

GENDERING CASTE

through a feminist lens

REVISED EDITION

UMA CHAKRAVARTI

Chennai
Allied Reddy
21 yrs, 175 cms
g smart, from
Allied girl below 22
community and

IAHARANAM
Moolam B.E. 28/178
nner, USA fair,
taller, confident,
ambitious. Seeks fair,
slim, good looking, homely girl
with pleasing personality
minimum graduate, height above
163 cm, age below 25.

26/157 Arudhra doing
USA (visiting in

D E S H A S T H A
M A H A R A S H T R I A N
BRAHMIN groom 29/175,
handsome, M. Tech, software
engineer, stable, USA trained with
handsome salary, looking for a
beautiful, fair, tall, educated girl,
upper caste no bar. Send
horoscope and photograph.

IAS ALLIED SERVICES
B.E. IAS officer, outside Tamil
Nadu cadre, fair, 27 years, 174
cms, Tamil, Hindu, SC AD seeks
23-25 years, fair, good looking, tall
girl. IAS allied se
professional PG status fami
Horoscope and photogra
must.

based Architect. Alliant Reddy
boy B. Arch, 24 yrs, 175 cms
Good looking, smart, from
Beautiful, Qualified girl below 22
yrs of the same community and
similar status.

IVER BRAHMACCHARANAM
Kashyapa Moolam B.E. 28/178
Software engineer, USA fair,
handsome, teetotaller, confident,
ambitious, humorous. Seeks fair,
slim, good looking, homely girl
with pleasing personality
minimum graduate, height above
163 cm, age below 25.

REDDY 26/157 Arudhra doing
MBA in USA (visiting in
December) Seeks alliance from
REDDY/REDDIAR studying or
working in USA/Abroad. Reply
with horoscope and bio-data.

ALLIANCE INVITED with
horoscope and bio-data for
Nambiar boy 33/170 B.E. MBA,
Sudha jatakam, vegetarian, senior
executive MNC, from parents of
educated, religious minded girls
of same/allied castes prepared to
settle anywhere.

MEASTY
BRAHMIN
handsome, M
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beautiful, fair
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IAS ALLIED S
B.E. IAS officer
Nadu cadre,
cms, Tamil, Hindu
23-25 years, fair
girl. IAS
professional PG
Horoscope and
must.

SC AD Hindu
17,000/- seeks
Caste, religion,

BALIJA NA
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GENDERING CASTE

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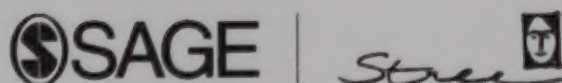
Series Editor Maithreyi Krishnaraj

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through a feminist lens

REVISED EDITION

UMA CHAKRAVARTI



Los Angeles | London | New Delhi
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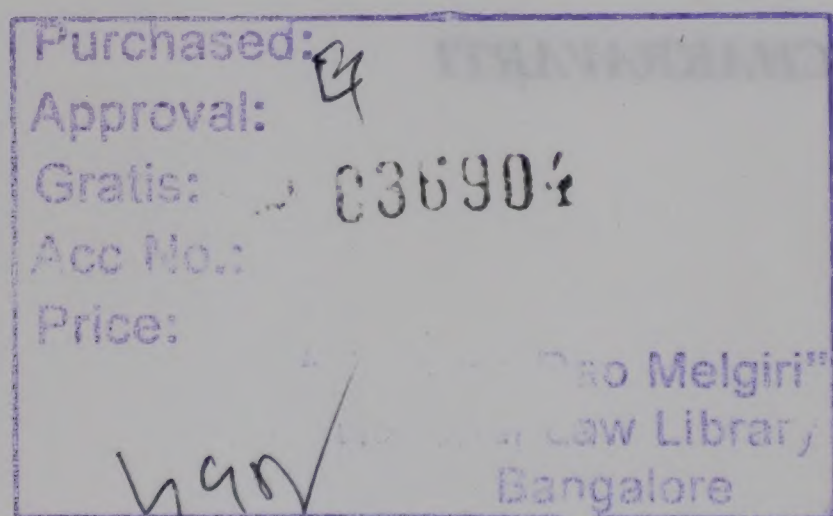
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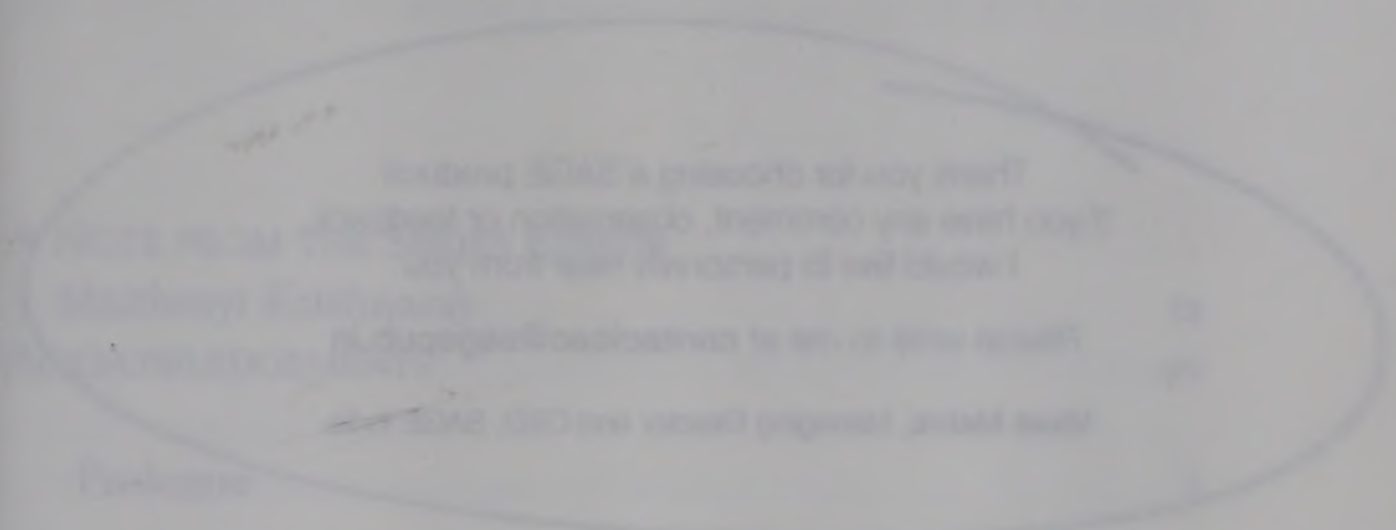
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A Note from the Series Editor

GENDERING CASTE IN INDIA

This series presents introductory texts to draw in readers outside academia as well as for those inside it. Written by well-known scholar-activists of women's studies, the books seek to explain ideas and theories in a simple way and place them securely in the Indian context. Many feminist theories originated in the West and therefore reflected the social and cultural background of the writers and the nature of social configurations within which they sought explanations. Dominant features like the nuclear family, advanced capitalism, different marriage patterns and cultural ethos naturally shape their understanding of women in society (in the beginning they omitted race). More relevant for us are the family, immediate and extended; security; an economy in transition to capitalism; a deeply hierarchic society stratified by class and caste; and persistent conflicts over religion, language, ethnicity and other differences. Scholars here have used standard feminist theories in innovative and imaginative ways, modifying them, elaborating them and offering us a comparative perspective.

Hence a very important aim of this series is to bring together Third World feminism and feminist theorizing in the broad sense of conceptualizing social reality. Each book is meant to be self-sufficient in itself and yet cumulatively add to the theory-building. As each is written by a different author, the style would vary. The constituent essays in the series are not repetitive but additive. The emergence of autonomous grass-root women's movements here has forced us to rethink our views on liberation and questions of who speaks for whom. It has brought to the forefront a fundamental dilemma: we began by a strong notion of universal sisterhood and now we realize

there are divergent interests among us. How do we reconcile them? From saying we are tied by a common bond of oppression to saying we do not have the same kind of oppression, are we stranded in theory?

We hope these books will be used widely not as 'prescribed texts' to be memorized for examinations but for debate and discussion in the classroom and outside; as a springboard for further thought and not as congealed wisdom. In the quick and easy recipes of 'gender awareness' programmes, what is missed is that behaviour change occurs never by rhetoric but only when there is a clear understanding of what the limitations and possibilities are for gaining one's freedom in the present situation.

Gendering Caste by Uma Chakravarti was the first systematic attempt to work out the interface between caste and gender. Delving into historical sources, religious texts, anthropological and sociological literature, Uma shows how gender is critical to the formation of caste. It is truly an astounding piece of interdisciplinary work. Caste as the bulwark of Indian society that has persisted despite many transformations has been much written about, debated about but we had hitherto lacked the theoretical framework to show that gender *constituted* caste. The first edition originally published in 2003 has been very successful, reprinted three times. Because of the ways caste has changed and gender is perceived during the years since the book was published, a revised edition was in order. As the author's Acknowledgements state, an update was required on various issues, particularly on the new ways caste violence targets women.

Sexuality, hitherto not aired in India, has come to the fore. Its connection to pervasive violence against women has demonstrated the ideological and material hold of patriarchy in its manifest forms. Feminists had resorted to reform of laws and of law enforcing agencies. Despite all these efforts, the media work as eye-openers on the strength of the ideology of patriarchy in India, with its foundations still secure in caste, family, marriage practices; where female sexuality has to be curbed, where women are violated on issues of 'honour' or revenge or caste vengeance.

Uma has worked assiduously on ancient Indian society and her work on historiography demolished for the first time the standard version of women's position in ancient India, popularized by Altekar, uncritically accepted and taught to generations of post-independent students. Uma's involvement in civil rights movement gives her a ringside view of contemporary politics. With her training in history, and her knowledge of Pali, she has over the years retrieved our past through a feminist sensibility. *Gendering Caste* contains immense erudition. She has covered a vast historical and geographical territory and given us not only a brilliant account of the link between caste and gender but also helps us to see the transformations in the manifestation of caste across regions and across social groups.

Patriarchy in India, Uma explains, is in the plural (and the word is used as an adjective), not a monolithic unchanging system. It has checks and balances. She emphasizes the building and maintenance of patriarchy as an ongoing process. Women's subordination to caste and gender oppression, as Uma points out, is maintained through women's complicity: a complicity in view of the threats in not conforming and in the rewards for consent. Her opening paragraph gives us a jolt. Upper caste women may face gender oppression but they also gain the privileges of belonging to a higher caste and will defend those privileges. Caste is extraordinarily successful in dividing women, in erasing a possibility of sisterhood. Such sisterhood can emerge only, Uma thinks, and I would agree, when we eliminate caste. That does not do away with other divisions like class or ethnicity, but these again are other battles. The displaying of caste symbols, many protagonists of brahmanism hold, is innocent and merely vouchsafes brahmana identity. How could it be innocuous? Those symbols are laden with meanings of hierarchy. Yet to discard these is seen as becoming western, forsaking Indian tradition. Hinduism has a dilemma: caste is so inextricably bound up with it. All our rituals, all life-cycle ceremonies, all worship, all daily life activities are permeated with it. What remains of me as a practising Hindu if I throw out caste? Only the philosophy? These are things to ponder on.

Uma now has brought out an Afterword to her earlier work to make sense of many changes that are taking place in

present day India. There is now conflict between the upper castes and the castes lowest in the caste hierarchy (earlier dubbed as untouchables because they were assigned work that was dirty like manual scavenging, removal of dead carcasses of animals). They had to live outside the village or living habitats of other higher castes. The caste system is an ingenious hierarchy, multi-tiered, where someone can be found to be lower than you. For example, the mahars and mangs both dalits, observe a hierarchy between them in Maharashtra. As the French anthropologist Louis Dumont called it, we are *Homo hierarchicus*.

The Constitution proclaimed equality to all citizens of India regardless of caste, class and gender. It remains an unfinished agenda, a utopia against the ground reality. Wielders of power are always reluctant to forego their privileges. Hence to dislodge their assumed superiority entrenched over centuries, to acquire the equality enshrined in the Constitution, violent conflict became inevitable. The oppressed classes (the former SC/ST) began to mobilise and called themselves 'dalit', namely, 'oppressed' that gives meaning to their condition. Uma's text brings to the fore that despite decades after the Constitution's grant of equality, the battle has not been won. Caste and gender continues to occupy the present economic, political and social domains given the fact that violence is an endemic and structural feature of the caste system. The Constitution abolished untouchability technically as a practice but the law could not undo the practice. To gain the rights guaranteed to them, dalits have had to resort to various forms of resistance. Their resistance stems from their attempts to counter the unchallenged power of the upper castes. This power is supported by the administration, the magistrates and the police which are predominantly manned by the dominant castes (who are not merely the erstwhile brahmanas but those below them) who hold substantial economic and political power. Assertion of dalits for their legal equality provokes resistance by the dominant castes who have unleashed extreme violence. There is a pattern to the retaliation by the dominant castes. Uma narrates several instances in recent years where outright lynching of individual or family of dalits, or whole communities, has taken place. One particular episode bears

recalling here, because of the way how women are partners in aggression and are also made victims for their men's resistance.

Uma points out that women are at the heart of the conflict as protagonists and as victims. Kishan was a dalit who worked for his employer, Yeduram Kale, who made obscene gestures calculated to outrage the modesty of Sonabai, Kishan's wife, by holding the edge of her pallu and offering her money (see Afterword). Sonabai lodged a complaint to Kale's wife. Six months later Kishan stopped working for Kale and explained to Kale's wife that if your women have modesty, so do our women. Don't misbehave with our women and think you can get away after making offensive gestures to them. We will not take it lying down. In retaliation Sonabai and her sisters-in law were taken to Kale's house, disrobed and beaten up. The message was: how dare a dalit woman protest against an obscene gesture and claim to have bodily integrity?

The Prevention of Atrocities against SC/ST Act was passed in 1989. During the National Movement for Justice in 2013, the Chairperson of the National Commission for SC/ST demanded that that the government should take note of the frequent violence against women. The Office of the Commission for SC/ST began to make a review of complaints but the onus of proving no such atrocity was committed, was given to the perpetrator! Court verdict tells us that even though the law maintained its monopoly to punish crimes, it did not displace the monopoly of the dominant castes to rape, kill, dalit women. Uma says the law might punish the accused but does not acknowledge that sexual violence is central to caste domination. A survey of some major cases of caste-based sexual violence suggests that the culture of impunity in caste-/gender-based violence is deep rooted, too sedimented, internalized, too normalized, too banal to make legal redress possible. Uma feels that it is social silence and social scientists not recognizing sexual violence as a tool to retain dominance of upper castes that prevents the effectiveness of law. Schooling has given girls some exposure to the public sphere. Endogamy (the practice of marriage within caste) is primarily the instrument for retaining caste. When young women and men have begun to marry outside their caste, there is violence against the offenders known as 'honour killing'. Uma ends with the

hope that the emergence of committed young men and women taking over from former tired old leaders would transform politics. There lies our hope.

We hope it would be possible to bring out translations of Uma's text to reach wider groups all over India. My immeasurable gratitude to Uma and to Mandira: I believe generations of students and young men and women to come will feel enriched by this text and hopefully build on it. There is such a sense of fulfilment that the dream of readable 'Gendering Caste' in India is a reality.

Series Editor

Bengaluru, 12 May 2018

MAITHREYI KRISHNARAJ

Acknowledgements

This work would never have been written but for the gentle and persistent pressure that Maithreyi Krishnaraj applied upon me for all of four years, stoking my own pangs of guilt. She also read the first draft and made extensive comments, making many useful suggestions that ran into many typed pages. Throughout the period of writing and revising, it was clear that Maithreyi not only read the work closely but also identified with the project totally. Its completion is as much her achievement as has been my input into sustaining the writing through a very trying period—personally and politically. V. Geetha and Gopal Guru also read and commented on an earlier draft; I have tried to incorporate their suggestions as comprehensively as possible. Pratiksha Baxi read the first draft and made important comments. In addition, she allowed me to use material from her doctoral work. This is rare generosity and I am deeply grateful to her for her gesture of solidarity and for the long and insightful discussions we had as the work was being completed.

I owe a debt to Ambedkar for his insights in linking caste and gender. His work on endogamy made possible my work on the role played by gender in constituting caste. Others have contributed to my understanding of caste over many decades. Sharing life with Anand Chakravarti as he did his first stint of fieldwork in Rajasthan in 1964–65 introduced me to the lived reality of caste in rural India. Sharing Anand's concern for inequality has shaped my own interest in the field and this work would not be what it is without the long interaction that we have had over five decades. On hindsight I am glad that I am a historian and he a sociologist—it is these two disciplines that have informed this work. I have also had discussions on various aspects of caste with Gail Omvedt, Prem Chowdhry,

Janaki Abraham, Kumkum Sangari, Kumkum Roy, Ashley Tellis (who gifted me with many books on caste and never failed to urge me to finish each time we met), Radhika Singha, G. Aloysius, Tripta Wahi and Vijay Singh (who have kept a close watch on caste discrimination in the University campus of Delhi), Sanjay Misra and Kumar Sanjay Singh (compatriots in our attempts to create alternate opinion during the virulence of the anti-Mandal agitation at the University of Delhi) and Tanika and Sumit Sarkar. I am grateful to all of them. More recently I have had many discussions with the members of the PUDR (People's Union for Democratic Rights) fact finding teams to investigate the lynchings of dalits in Jhajjhar and violence against young couples who attempt to marry across the caste divide in Haryana, and this joint work has sharpened my understanding enormously.

Over the years many people have provided me with an opportunity to think about caste and I am indebted to all of them, particularly, Ram Bapat, Sharmila Rege, Vidyut Bhagwat, and the young team at the Women's Studies Department of Pune, especially Swati and Anagha. I would like to thank Subhash Ghatade, Rajesh, and Ranjana who have taken a sustained interest in caste issues and helped to mobilize on a variety of issues on caste and gender in Delhi. I have also benefited from my discussions with Dev Nathan, Kancha Ilaiah Shepherd, S. Anandhi, Kalpana Kannabiran, Meera Velayudhan, M. S. S. Pandian, Rajni Tilak and Hemant. Presentations on caste and gender were made at a conference on Ambedkar at Pune University and in special lectures at the Madras Institute of Development Studies, and at the University of Bombay. I am grateful to all those who participated in the discussion on these occasions.

The Madras Institute of Development Studies also invited me to the Institute as a visiting professor in January 2002. The fellowship enabled me to work on this script without the 'routinized' interruptions that are otherwise a normal part of my life. I have also used the work of a very large number of people in writing this book whom I cannot list here but would like to acknowledge their contribution to understanding both caste and gender, even as the connections between the two have not always been drawn out.

Mandira Sen of Stree has plied me with suggestions and generously accessed material to pursue the suggestions. And, finally, I am thankful to my family for supporting my work, Srikant for organising my life, Siddhartha, who lives far away, but worries about what stands I take in repressive times though he generally approves of what I write and approves too of my being a feminist; I am grateful to Anuja for physical and emotional sustenance and especially, for her capacity to make one laugh even during difficult times. Athadeep Aman, the little boy at home also makes me laugh and lets me see the face of hope and affection for everyone, no matter who they are.

I must also acknowledge the many, many readers of this book, mostly students of universities, some of whom are first generation students, women and men, who have kept the book in print since 2003; it is for them that I have written an Afterword, an update on gendering caste as it unfolds today.

Prologue

At the height of the anti-Mandal agitation in Delhi, spear-headed by 'upper' caste students and legitimated by prominent sociologists of the University of Delhi, I was struck by a photograph prominently displayed in a newspaper showing women college students in Delhi demonstrating in the streets. They were carrying placards that read 'We don't want unemployed husbands'! The irony of this statement was lost on most readers of English language newspapers—almost all, upper caste themselves—who widely shared the ideology of these protesters. The anti-Mandal agitation was brought about by the government's decision to implement a quota for the OBCs (Other Backward Classes), that is, the castes which are just above the Scheduled Castes and though not 'untouchable', have faced discrimination and are socially 'backward'. This quota would be used in the recruitment to the Public Services—into the IAS, IFS, IPS and other Central Services—and as a consequence the share of the positions for the 'forward' castes or the upper castes would fall proportionately. So while potential aspirants comprising upper caste male students poured out of the hostels of the University of Delhi and rampaged through the streets of the city, women students protested not for themselves but on behalf of their potential husbands. What the placards were saying was that these girls would be deprived of upper caste IAS husbands. But what they were also saying was that the OBCs and dalits who would now occupy these positions in the IAS could *never* be their potential husbands.

But who had told them that they could not marry the new entrants into the IAS drawn from the 'backward' or dalit castes, I wondered. That was certainly not a clause in the ordinance on reservations announced in the official gazette! Nevertheless, here were upper caste women students passing a self-denying

ordinance upon themselves; they were proclaiming a *self-regulatory code*, a consequence of internalizing the ideology of mandatory endogamous marriages—marriage within the caste or the subcaste as a basic rule, which is a crucial characteristic of the caste system. Simultaneously, it seemed to me that they were displaying their revulsion for the ‘lower’ caste male. The drama and rhetoric of the anti-Mandal agitation hid the actual concerns since its ideologues—its think-tanks—presented the agitation as a *resistance* to the forcing of caste identities upon a secular-liberal new generation of people by a corrupt and populist state. But, to my amazement, no one from the leadership of the movement issued a condemnation of such a poster for controverting the stated ideals of the ‘movement’. The contrast between the rhetoric of the anti-Mandal agitation and the actual concerns that drew men and women into the protest were swept under the carpet in the ‘spectacle’ of the self-immolations of young students that dominated the national and regional newspapers.¹

Perhaps it is time to recall these issues now and take a good hard look at caste ideologies which have been so naturalized by the upper caste, middle class in India that they do not even recognize the contradictions in their own positions. In that sense the ideology of the caste system still governs the lives of people in Hindu society. (It also pervades the Muslim and Christian communities in India who have kept their caste identities even within the new fold. I will however focus on caste within Hindu society as its articulation is best understood by looking at its origins and elaborations through time with Hindu society as its reference point.) Despite the constitutional guarantee of social and political equality, Hindu society remains tied to the textual models which sanction inequalities of status and the attribution of specific privileges to the upper castes. Unlike racism, where its practitioners may, on occasion, experience guilt and conflict because the existential order does not match the ideal order laid out in their Constitution,² in caste-stratified Indian society the real behaviour of upper castes vis-à-vis the ‘lower’ castes *harmonizes* with the ideals laid out in ancient brahmanical texts which continue to be regarded as sacred. There is therefore much less ambivalence that is experienced: indeed these texts continue to provide validation

despite their deviance from the constitutional ideal of equality because these people, including the castes at the bottom of the scale, would regard themselves as upholding 'tradition'. This, and the continued social and political power of the upper castes over the lower castes, based on their material control, are the only reasons why the caste system continues to be so pervasive in India—not the policy of reservation as the middle classes like to argue, which in any case is a drop in the ocean as far as making a difference to actual inequalities working on the ground are concerned.

The anti-Mandal agitation was an important moment in defining the need to understand caste from a feminist perspective. The hype of the anti-Mandal agitation, the ferocity of the debates and the horror of the self-immolations, not only obscured the underlying ideology of the agitation but confused many feminists, particularly in Delhi, about the issues at stake. Despite its overwhelming presence in our lives, many of us had not recognized that there was little by way of feminist scholarship on the crucial subject of caste. Consequently, many feminists fell back on the mainstream practitioners of sociology for their understanding of caste. In Delhi this was something of a disaster since, in the main, professional sociologists had their own stakes—there were also disciplinary stakes for some scholars—in the movement and were certainly not objective social scientists standing 'outside' the caste system. Thus, no feminist viewpoint based on a *feminist* understanding of the caste system appeared in the course of the debates. Feminists failed to intervene and decisively shape the debates, although individual women were, on occasion, part of the democratic response against the attempt of the upper castes to resist the provisions of the Mandal ordinance. Also, a few years later, there was an interesting reading of a diary kept by one of the women students who participated in the anti-Mandal agitation which captured the complexities of the moment, as perceived by a woman student.³

Another reason why there was no intervention representing a feminist viewpoint on caste during the Mandal debates was that sociological knowledge in 1990 existed in two discrete units. The first unit comprised works on caste, primarily written by those who were in the mainstream discipline of

sociology, and were located in the departments of the universities. The second unit comprised writings on gender mainly from women's studies scholars, often located outside the formal university department system. Partly because there had never been any sustained dialogue between these two sets of scholars, and partly because we ourselves as feminist scholars had regarded the axis of caste and the axis of gender as two discrete entities in the Indian system of stratification, the links between these two axes of stratification were never explored. The trend up until Mandal was that women were sometimes added to the purity-pollution framework, which did not alter—or de-stabilize—caste or patriarchy as understood by sociologists and women's studies' scholars.

In the decade after the anti-Mandal agitation as caste contradictions sharpened, the analysis of caste also sharpened. The women's movement was also critiqued by dalit feminists for not paying attention to the specific and more extreme forms of oppression experienced by dalit women who bore a triple burden: as dalits from the upper castes, as labourers from the landlords, and as women from men of their own families and castes. The debates were no longer confined only to the departments of sociology in the metropolitan universities—which in any case have tended to ignore political and social issues thrown up from the ground. For the first time feminist scholarship began to draw attention to the inextricable links between caste and gender. They began also to offer a terminology by which caste and gender could be understood: the term 'brahmanical patriarchy' was devised in the aftermath of the Mandal agitation and efforts to define and clarify it are an aspect of contemporary feminist scholarship. The emerging body of scholarship has also drawn attention to the regional and caste dimensions of the workings of brahmanical patriarchy, as well as to the dominance of this form of patriarchy, despite great variation, in the workings of both caste and patriarchy as they operate in different locations. This book will explore and consolidate the links between caste and gender as well as draw upon the emerging body of feminist scholarship on these themes. It will also explore the possibility of incorporating our emerging

understanding as a basis of struggles against the oppressions of caste and gender, always an important consideration of the women's movement.

NOTES

1. For some reason the flaming body of the young student, usually male, carried by the newspapers during the anti-Mandal agitation had a more powerful impact on the middle class readership than news about dowry deaths by burning of young brides in the 1980s. The victimhood of the upper caste male at the hands of a populist government was more emotive than the victimhood of the upper caste female at the hands of her equally upper caste in-laws, a point to ponder over.
2. Anand Chakravarti, 'Inequality in Rural India.' In *Equality and Inequality: Theory and Practice*, edited by Andre Béteille (Delhi: Oxford University Press, 1986), pp. 129-81.
3. Zakia Pathak, and Saswati Sengupta, 'Resisting Women.' In *Women and the Hindu Right*, edited by Tanika Sarkar and Urvashi Butalia (Delhi: Kali for Women, 1995), pp. 270-98.

Understanding Caste

The result is that although I try to forget my caste, it is impossible to forget. And then I remember an expression that I heard somewhere: 'What comes by birth and can't be cast off by dying—that is caste.'

—Kumud Pawade, *Antasphot*

CHANGING PERSPECTIVES ON CASTE

Since our main concern in this work is with the way caste has shaped the lives of women of all castes, whether 'high' or 'low', it is necessary for us to begin with an examination of the ideology and practice of the caste system which is amongst the most significant factors bearing upon the lives of all women and all men in India, albeit in very distinctive ways. In a deeply hierarchical society like ours, it is not surprising that sociological writing—whose practitioners have mostly been men—often intellectualizes and thereby *masks* rather than *explains* the structure of the caste system. It gives an over-emphasis on the *ideology* of the caste system, namely, on its ritual aspect, to the exclusion of material conditions and questions of power. This is a consequence of focussing on the brahmanical view drawn from brahmanical texts. It completely evades the views of dalit writers who have provided a counter view on the caste system by focussing on the *experiential* dimensions of caste-based oppression. Scholars like Louis Dumont and Michael Moffat dominate the world of sociological scholarship rather than Joan Mencher or Gerald Berreman precisely because they present the caste system as a system of *consensual* values—a set

of values accepted by both the dominant and the dominated.¹ This is a viewpoint that is so much more popular because it is convenient for the upper castes as it erases their own location within the hierarchical structure. In contrast, a striking formulation of the system provided by Ambedkar, which interestingly is also within the religio-cultural framework of 'purity' and 'pollution', but as perceived from the bottom end up, has no circulation amongst sociologists.² In Ambedkar's formulation, caste is a system of 'graded inequality in which castes are arranged according to an ascending scale of reverence and a descending scale of contempt'. That is, as you go up the caste system the *power* and *status* of a caste group *increases*; as you go down the scale the *degree* of *contempt* for the caste *increases* as these castes have no power, are of low status and are regarded as dirty and polluting. Only someone who has experienced the force of cultural oppression could formulate so poignantly as Ambedkar has. Although both Ambedkar and Dumont deal with issues of religion, ideology and culture, Ambedkar stands at the opposite end of Dumont, who has focussed on the dichotomy between purity and pollution as the underlying principle of the caste system as outlined in the brahmanical texts.

If we take this argument forward we need to recognize that cultural oppression as it operates in the lives of dalits and women, especially on women of the lower castes, is far more *dehumanizing* than economic exploitation, which we understand as the dominant feature of class, by itself. The consequences of caste-based exploitation, where access to material resources are themselves closed to the lower castes, are more pernicious than class-based exploitation and appropriation of surplus—which in any case in India is almost invariably drawn from dalits. Most reprehensibly, caste ideology denies subjectivity to the dalits by depriving them of dignity and personhood. An important aspect of the caste system is that those who have dominated the means of production have also tried to dominate the means of symbolic production. This symbolic hegemony then allows them to control the very standards by which their rule is evaluated, so that the perspective of the lower castes has no place in it.³ But those at the bottom end

have not always accepted this position and have found ways to interpret their own identities differently from the way the upper castes have constructed them. Through distinctive cultural representations, oppressed groups have created for themselves a normative world in which they have dignity, self-respect and even a measure of power. They use their own positions as a place from which to interpret values and to see how the dominant values are constructed rather than accept them automatically as a predetermined set of values which they must accept. Today, struggles over resources for the dalits are simultaneously struggles over socially constructed meanings, definitions and identities. That there is a contested view of caste is also evident from recent sociological writing, although all dalits, and especially dalit women, do not invariably articulate this frontally, as we can see in the life-histories of certain dalits. Nevertheless they have an acute understanding derived from their experience of the workings of the caste system. Such an example is provided by Viramma, a dalit woman living in Tamil Nadu who resists the ideology of purity and pollution, makes fun of the brahmanas, and sings songs about a passing brahmana's secret desires that violate caste norms. She regards the brahmanas as lower than the non-brahmana reddiars, as it is the latter that own land and thus wield real power. She even regards the brahmanas like other 'servants'—except that they get uncooked food from the reddiars for their services, to maintain their purity. She ribs the whole system thus:

They take it [the food] raw because they are in contact with God and must be pure: they have the food cooked at their homes. We prefer to get it cooked: it saves us the time and cost of cooking. I heard the Brahmin mumbling prayers as he raised the sacrificial fire. [Laughs] I was looking through the window when the Reddiar's mother saw me and chased me away . . .⁴

Although Viramma recognizes the secular power of the caste system through the control the upper castes have of land and social status, and does not explicitly resist their power, she does not consent to the inequality created by the system. She does not also accept the ideology that the system upholds and uses as the justification for the hierarchy.

DEFINING CASTE

In traditional brahmanical literature two terms have been used to describe the brahmanical system of stratification: *varna* and *jati*. Both terms continue to be used in writings on caste and in conversation between people. Sociologists have tried to provide a specific definition of the two terms. For the purposes of this book I will define them thus: '*varna*', in Sanskrit is literally colour. Originally it referred to the four great divisions of society outlined in the brahmanical texts as *brahmana*, *kshatriya*, *vaisya* and *sudra*. *Varna* referred to a status order system. Later a fifth *varna*, one that was regarded as being outside the pale of caste society, comprising 'untouchables' was added to the *varna* divisions in Hindu society. '*Jati*' refers to an endogamous unit within which one must marry; members of a *jati* are members of a descent group, traditionally assigned to a specific occupation. Further each *jati* also has its own cultural traditions with its own food habits, rituals, dress codes and even art forms and may thus 'appear' to be merely functioning along an axis of difference, evidence of the enormous variation in Hindu society. Nevertheless the relationship to the occupation and specific cultural traditions of each caste functions within a broader framework in which the localized hierarchy is based on ritual status, control or lack of control of productive resources and power. This is the basis for the internal differences within the caste system, making for the division between upper or higher castes and lower castes. It is *jati* which now provides the framework for understanding the local hierarchies within a given region. Broadly there are three major divisions: the upper castes which may comprise the *brahmanas*, *rajputs*, *banias* and other castes such as the *kayasthas* in northern and eastern India.; the middle castes such as the *jats*, *yadavs*, *kurmis* and other castes which could be dominant, but could also be part of the 'Other Backward Classes' (OBCs) as these backward castes are called officially, especially with reference to indicators of social status but who are not polluting.; and the low castes who are at the bottom of the hierarchy and whose touch was often regarded as polluting. There is great regional variation in the placement of castes/*jatis* within a framework of hierarchy.

Deriving from existing works on caste, both mainstream and dissenting viewpoints, it might be useful at this point to clarify our understanding of caste as a specific and unique kind of stratification that is distinct from class but not completely unrelated to it. The caste system comprises a series of hereditary groups or *jatis* characterized by hierarchy or gradations

according to ritual status. The basis of inequality underlying the caste system in India is the application of evaluative—value-based—standards in placing particular castes as high or low. These standards are rooted in the Dharmashastras, the religio-legal texts of the Hindus. As the system developed, the high and the low were opposed to each other because of their respective associations with notions of pure and impure in terms of purity of blood and the nature of work. The notion of the 'pure high' and the 'impure low' was expressed ideologically in ritual terms, that is, which castes could or could not perform sacrifices and worship and other sacred functions. But since work itself was classified as pure and impure the two were required to be kept separate since the low were in a position of repulsion—opposed in terms of values—to the high.⁵ This accounts for the elaborate rules that govern contact to ensure the separation between the high and the low. The public spaces were divided in such a way that access to certain streets was barred to the lower castes because they were regarded as defiling. In Kerala, traditionally, the lower castes were even required to observe a minimum distance from the brahmanas so that the latter would not be defiled; even the shadow of the low caste person if it fell upon the brahmana could defile him. Thus, in ideological terms, it is posited that there is great danger from the mixing together of things that must be kept separate to avoid impurity. Each caste is a closed and bounded group, and all social relations are represented in terms of bounded groups: eating, physical contact and marriage are highly ritualized and strictly confined to other members of each bounded group.

To this notion of caste, drawn from the brahmanical texts and based on ritual specialization, which is regarded as basic to an understanding of caste and conforming to the dominant view, social scientists have more recently added other features that expand our understanding. These inputs are also useful in understanding the power that the 'higher' castes wield over the 'lower' castes which is not confined to ritual occasions and dominates social relations.⁶ First, they have contested the view that suggests that since social inequality is a common condition of all human societies, a view that forms the commonplace understanding of many of the people we interact with on a

daily basis, the historical specificity of the caste system itself can be undermined. This can also lend itself to a position where the relationship between the castes is regarded as one of 'interdependence' and 'mutual obligations' or even 'difference'. This is a strongly held view amongst members of the circle of people we often interact with in our daily lives—in schools, colleges, and offices if we are located in the urban areas and belong to the middle classes—which is comprised mainly of the upper castes. However, in actual practice, there is a profound inequality between the castes in terms of productive resources, social status and access to knowledge. This is evident even in the early formulations of the caste system in the brahmanical texts. A prescribed inequality exists even in the naming of persons. According to Manu, 'the name of a brahmana should have a word for auspicious, of a kshatriya for strength, the name of a vaishya for wealth, and the name of a sudra should breed disgust.'⁷ The most striking aspect of Manu's formulations is in the sphere of punishment for breaking the law where the quantum of punishment of the offender increases as one goes down the caste hierarchy.⁸ Similarly the privileges enjoyed and immunities provided in the context of punishment are concentrated in the person of the brahmana. The concentration of privileges at the top and disabilities at the bottom cannot be a system of 'interdependence', or a mere division of labour, as my upper caste students have often depicted the caste system in our classroom discussions. Berreman aptly describes the caste system as 'institutionalised inequality', which 'guaranteed differential access to the valued things of life'.⁹ In contrast to the opposition between the pure and the impure outlined by Dumont to be the most significant principle of the caste system,¹⁰ Berreman provides another set of juxtapositions. 'The human meaning of caste *for those who live it*,' he states, 'is power and vulnerability, privilege and oppression, honour and degradation, plenty and want, reward and deprivation, security and anxiety' (emphasis added).¹¹ Unequal access to material resources and power is an inherent feature of the caste system in terms of lived experience, which the pure-impure dichotomy obscures.

CASTE AND CLASS

Gail Omvedt has aptly summarized the relationship between caste and class thus:

*Caste is a 'material reality' with a 'material base'; it is not only a form but a concrete material content, and it has historically shaped the very basis of Indian society and continues to have crucial economic implications even today.*¹²

To understand the relationship between class and caste it is therefore important to recognize that *two* hierarchies are operative in Indian society: one according to ritual purity with the brahmana on top and the 'untouchables' at the bottom, the other according to the political and economic status with the landlords at the top and the landless labourers at the bottom. The first corresponds to the formal representation of society, the second to the reality—together they make for the unique form of inequality that caste represents. Exploitation occurred, and continues, through the old relationships of servitude or through the existence of compulsory loans and debts, which lasted sometimes for generations. These relationships normally attributed to class cannot be fitted into the 'harmonious' pattern of interdependence and mutual cooperation as claimed by those who justify caste: 'Different people do different things that they are best suited to but we need all of them and all of what they do'—is a popular statement of the uppermost castes who do not wish to address the exploitative dimensions of the caste system because it is inconvenient to do so.

How did this clearly unequal system survive and come to govern the lives of the bottom sections is a question that is relevant. The role of violence and coercion in the origin and the functioning of the caste system needs to be stressed in this context.¹³ Even today, especially in rural India, the caste system hinges on the power to *enforce* caste-based obligations, to the privileged upper castes, by the dominant caste of the area.¹⁴ Dominance is based on wealth, that is, control over land, which also gives the dominant caste access to political power. While it is imperative to recognize that caste and class are two distinctive ways of classifying social distinctions and

must not be allowed to collapse into each other, there is a broad congruence between caste and class. Class relationships were closely tied to the caste system, though not necessarily exhausted by them. Further, the upper castes enjoy social power, regardless of their individual circumstances with respect to control over material resources, through their linkages with other caste-fellows in the political system—in the bureaucracy, judiciary and the legislature.

In a sense, basically there are two kinds of castes: those who hold the land and those who do not.¹⁵ The dominant caste, which wields economic and political power in a village, and occupies a position which is not too low in the hierarchy, occupies one end of the scale and the caste/s which provide/s the greatest part of the labour force, usually the 'untouchables', occupies the other end. The dominant castes have also reproduced the royal function of exercising coercion at the village level, especially in the past, and in many parts continue to do so even today, even as a new set of castes are becoming dominant in rural India. In essence the dominant caste/s wield social power, including patriarchal power over women (see Chapter 9), and define the culture of exploitation in their villages and have linkages with the state.¹⁶ Exploitation, as expressed through the caste system, is a process that has continued, in practice, to be based on violence, or the threat of it.¹⁷ For example, among the rules imposed by the kallars of Ramnad on the lower castes, whom they dominated, were that adult men and women were condemned to work in the service of the landlord for a pittance, all access to land was forbidden to them, their children were denied education and condemned to look after livestock (see also Afterword). If they did not comply, their homes, goods and granaries were burnt and their livestock looted.¹⁸ This structure of coercion is not unique to the Ramnad area but is widely prevalent as an aspect of the caste system. Recourse to violence is increasing today as the Constitution has provided formal equality to all the citizens of India but social inequalities remain. The mere attempt to translate formal equality to substantive equality by the dalits can and does lead to violence against them so that the old bases of social power can be retained by the upper castes.

The repressive effect of the caste system, it needs to be stressed, is coherently related to the ideological and religious notions associated with brahmanical representations of society. Notions of purity were regarded as the most powerful protection against social contamination and efforts were made to erect it as the *universal* hierarchical principle, and as if it had the *consent* of *all* the castes. Such an ideology ultimately codified pre-existing relations of domination on the one side and the 'alienation', or exclusion, of those subordinated from the means of production on the other, since the lower castes would not 'accept' their status as impure without such exclusion.¹⁹ Pollution is the most visible and potent form by which exclusion is achieved. Then by demonstrating the dominant material relationships in ritual terms, a whole group of people is excluded from the rest of the community both ritually and culturally. The essence of caste at the ideological level is the necessity to protect the purity of the body of the brahmana; a purity that forbids him in engaging in acts of labour which would involve contact with defiling material. Reciprocally it requires that the 'unclean' castes must perform those tasks for the brahmana. Thus the essence of caste also is the requirement that labouring bodies be reproduced in order that they can be subordinated to maintain the upper castes in their purity. All the injunctions of dharma are predicated upon the labouring lower castes and their subordination and the reproduction of the labouring being *as well as* the reproduction of that person's subordination.

The ideology of the caste system thus displays an awareness of the need to portray the dominant material relationships in ritual and status terms that makes possible and, more aptly, legitimizes the hereditary exploitation of a section of society. This is a different way, but also a more effective way, than slavery, which must take recourse to the large scale, and overt, use of violence, in enslaving people and then keeping such a system going. Nevertheless, despite the more successful obscuring of exploitation in the caste system than in slavery, because there is no real acceptance of, or consent for, the hierarchical ritual system among the subordinated castes, the 'pure' upper castes have to resort constantly to persecution. When that is not enough, they resort even to violence to keep

the lower orders in their impurities; the latter must thereby continue to be subordinated to them. This is very evident from numerous incidents where the upper castes have refused to let the lower castes give up their polluting occupations. It is quite common for the upper castes to resist attempts by certain castes to give up removing dead animals, which are regarded as the source of their pollution. For example, soon after independence the raegars, a dalit caste in Rajasthan, traditionally responsible for removing dead animals from the village decided that independence would have no meaning for them if they continued to perform work that was regarded as polluting. Accordingly, a raegar in Devisar village refused to remove the dead carcass of a buffalo calf from the house of a brahmana. The brahmana appealed to the leader of the dominant caste in the village, a rajput, as the pollution of his house would not end without the removal of the carcass. The dominant caste leader hit the raegar on the head with a staff and as he fell down all the other rajputs threatened to thrash him further. The raegar was forced to lift the carcass and that was the end of his resistance.²⁰ In reality then impurity was one more weapon in the repressive ideological arsenal, where monopoly over knowledge was another, as the nineteenth-century social reformer Jotiba Phule argued.²¹ It was used in one direction: arbitrarily and opportunistically, as a means of discrimination, oppression and exploitation, only against the lower castes. The oppressive aspects of the caste system as it is experienced by the dalits is sensitively rendered in what is termed as the literature of the oppressed, as for example, in a novel like the celebrated *Chomana Dudi* by Shivaram Karanth or in Omprakash Valmiki's powerful autobiography, *Joothan: A Dalit's Life*.²²

The difficulties of seeing the material dimensions of caste are because the ideology of pure and impure, and high and low, functions as 'a screen that hides social reality by scattering social divisions along the whole length of a formal hierarchy and thus submerging the exploitative relations between those who have control over material resources, and those who do not, among them.'²³ It is this that has made for the multiplicity of caste groups, each higher or lower than others in a given region. In economic terms most of the lower caste groups

would be exploited by the landholders from the higher castes, but in cultural terms each caste group would both experience discrimination from, and practice discrimination against, other caste groups depending upon where they are placed in the hierarchy of castes. To cite just one example, the mahars who have traditionally been at the receiving end of the power of the brahmanas and marathas in Maharashtra practise discrimination against the mangs, who are placed lower in the caste hierarchy. The caste system with its elaboration, and its splitting of the oppressor and the oppressed into many internal divisions, makes it difficult to fight oppression by all the oppressed groups coming together. This too is a consequence of the way ideology works in the caste system: it blunts the capacity to identify the basis of oppression, 'invisibilizes' the oppressor/s and helps to sustain the system; as Ambedkar put it, 'the caste system is a division of labourers, not a division of labour.'²⁴

CASTE AND THE MONOPOLY OF KNOWLEDGE AND COERCIVE POWER

This brings us to a crucial element in the relationship between caste and class, and the relationship between ideology and production relations: the monopoly over knowledge in the hands of the brahmanas and the concomitant barring of knowledge to the lowest castes. Sudras and 'untouchables' were to be severely punished for violating the ban according to the brahmanical texts. (Women too were barred from knowledge, especially sacred knowledge.) It was the so-called lower castes who laboured, developed and preserved the knowledge of agriculture, of plants, of animals, domestic livestock, of weather, soil, pests, of tools used in agriculture, crafts of all kinds like carpentry, black smithy, gold smithy, fishing and hunting. Craft skills also implied knowledge of the materials used like metals, wood, clay, bamboo, reed and bricks. There were spatial skills like navigation, of boat craft. Just these few examples indicate the kind of knowledges that made all vital productive activities possible, indeed, made the very existence of life of upper castes possible. Yet these very skills and knowledges were denigrated as inferior and polluting, as compared to the ritual, intellectual activity of the upper castes. The monopoly

of the upper castes' 'sacred knowledge', 'book knowledge', 'intellectual inquiries' like astronomy, were superior. Likewise, the skill of women in managing the domestic sphere was not, and, still is not, given weight.

Over the centuries the monopoly over knowledge that brahmana men had was not merely evident in the area of ritual or religious knowledge but also in the field of secular knowledge. This monopoly helped them to gain control of social production in the new territories being incorporated into a particular social formation. At an early stage, the growing monopolization of knowledge by the brahmanas may have met with some resistance. But this resistance was confined to the upper varnas, and more specifically to the kshatriyas; the labouring caste of the sudras was outside the pale of such contestations, at least in the textual traditions that have survived the period. Ultimately the tension between the kshatriyas and the brahmanas was resolved to accommodate them in separate spheres: brahmana men had a monopoly over ritual knowledge and kshatriya men over the means of coercion, which gave them a monopoly over the wielding of arms. Thus the king-brahmana duo, or the priest-dominant caste duo, came into operation. This combine was stronger than the power of each of the two, and their combined power was not easy to resist. In any case the occasional examples of those who did not conform to the codes and sought to gain knowledge or skills from which they had been barred such as Shambuka, who practised austerities normally reserved for brahmanas, or Ekalavya, who acquired skills in archery, a privilege of the kshatriyas who alone had the right to bear arms, or in other words, to wield the instruments of coercion, met with severe punishment. Women too were barred from knowledge under threat of violence as the story of Gargi illustrates.

SHAMBUKA'S ABORTIVE TAPASYA

One day when Rama was ruling in Ayodhya, a brahmana boy died. This was regarded as untimely: no brahmana boy could die in the reign of a just king, said the learned in Ayodhya. The father of the boy came to the palace gates and lamented the boy's death exclaiming, 'Surely there is some great sin in Rama's rule.' When Rama consulted his brahmana advisers, he was told that the boy's untimely

death indicated that a sudra was performing tapasya which was highly sinful. The brahmanas also advised Rama to ferret out the sinful sudra and punish him.

Rama then went out in search of the 'deviant' sudra who did not stick to his avowed occupation of serving the higher varnas and finally found an ascetic performing a great penance in the northern part of his realm. Rama then addressed him thus: 'I am Rama, the son of Dasharatha. Out of curiosity I ask you this question: tell me truthfully in which caste you have been born.' Shambuka the sudra said quite truthfully, 'O king, I am born of the sudra caste. I want to attain divinity by such penance.' As soon as the ascetic said these words Rama drew forth his sword and cut off Shambuka's head, and as soon as he did so the Gods uttered praise of Rama and offered him a boon. Rama asked that the brahmana boy should be restored to life and it was thus that the dead brahmana boy came back to life: he had been restored to life the moment Shambuka the sudra ascetic was killed—merely for seeking divinity like the brahmanas. Continued monopoly of knowledge remained in the hands of the brahmanas. The symbolism of the brahmana boy—the next generation of the learned—dying when the sudra Shambuka acquired knowledge and then being revived with the cutting off of the head, the seat of knowledge, of the sudra Shambuka, is striking.

EKALAVYA'S PUNISHMENT FOR PURSUIT OF ARCHERY

Ekalavya was the son of the chief of a forest tribe, the nishadas, who made their living by hunting and fishing. He wanted very much to learn the skills of kshatriya warfare and heard about the great teacher of warfare, Dronacharya, who lived in Hastinapura and so he set out for Hastinapura. When Dronacharya met Ekalavya for the first time he was very impressed with the latter's noble bearing and asked him to which caste he belonged. Ekalavya answered, 'We are nishadas, sir. My father is chief of the tribe and we live in the forests. I belong therefore to no caste, and I long to learn the martial arts.'

When Dronacharya heard that Ekalavya was a nishada he refused to teach him, saying arrogantly that he was a teacher only of kshatriya princes. He could not possibly teach a tribesman! Ekalavya was very sorry to hear this and returned to the forest. Finally he found a way to master the skill of archery: he made a clay bust of Dronacharya and practised archery in front of the image. He became such a skilful archer that one day he shot arrows into the mouth of the dog of the princes of Hastinapura, merely by hearing the sound of its bark. The dog was accompanying the princes and their teacher Dronacharya into the forest where Ekalavya lived. When Dronacharya and the

princes located Ekalavya they were astounded to find such a skilled archer—Dronacharya had forgotten him by this time—and soon challenged Ekalavya to a contest. As the contest proceeded it became clear that Ekalavya was the best archer—he would be, he was a tribal who lived in the forest after all! While the kshatriya princes of Hastinapura sulked, Dronacharya asked the archer who his teacher was. Ekalavya unhesitatingly replied that it was Dronacharya and the whole story of the rejection and the clay image came out.

Neither the kshatriya princes nor Dronacharya were pleased to discover that there was a more skilled archer than the kshatriya princes, particularly Arjuna, and so Dronacharya found a way by which Ekalavya could never shoot again—he demanded Ekalavya's right thumb as his gurudakshina. The honest and upright son of the tribal chief of the nishadas readily cut off his thumb and handed it over to Dronacharya, and turned back quietly to the forest glades where he lived.

Arjuna's rival had been destroyed and at the same time the tribal chief's son had been disarmed. Kshatriya power was ensured at the expense of the tribals' traditional means of defending themselves.

GARGI'S QUESTIONS

A famous philosopher, Yagnavalkya, once challenged other learned people to a competition to decide who was the most knowledgeable person of that time. Six persons entered the debate with Yagnavalkya; except for Gargi all the rest were men. One by one the men fell silent as they were unable to carry on the debate with Yagnavalkya. Then it was Gargi's turn. Gargi was the daughter of a famous philosopher and she debated with Yagnavalkya skilfully. As her questions got sharper and sharper the debate entered a crucial stage. Gargi now shot off two arrow-like questions to Yagnavalkya but instead of answering them he abruptly ended the debate with a typical assertion of brahmanical male power: 'Do not, O Gargi, push your inquiry too far lest your head should fall off.' Thereupon Gargi fell silent. It is significant that all the other male contestants fell silent on their own—not so Gargi whose questions had come thick and fast and had to be threatened with violence. It is also significant that while a recourse to violence is actually necessary to tame or break the resistance of men who need to be subordinated the mere threat of violence is enough to silence women.

A postscript to the Gargi story tells us that she fell silent initially. Later, in order to establish the unrivalled position of Yagnavalkya,

Gargi returned to the debate. This time the narrative tells us that she was fully satisfied with the answers that Yagnavalkya gave her and she proclaimed him the greatest philosopher of his time. This narrative closure is most interesting as it suggests that women need to be made complicitous in dominant ideology for it to reproduce itself within the dominant; brahmana women must consent to brahmana ideology for it to be effective.

The dalit feminist writer Kumud Pawade believes that it was Gargi's rebellious questions that led to the exclusion of all women, including brahmana women, from sharing sacred knowledge with their men. Ultimately their own questions were submerged under the ideology of their men.

These 'punishments' functioned as a lesson to others who might attempt similar transgressions. If, finally, only the brahmanical view of the caste system has prevailed, and has now become canonical in sociological theories of the caste system, it is not unrelated to the brahmanas' control over knowledge and, through that, to hegemonic forms of representation. It was only in the nineteenth century that this monopoly could be broken when Phule provided alternative and critical analyses of the caste system in writings such as *Gulamgiri* and *Traitiya Ratna* as we shall see in Chapter 8.²⁵ It is because of the traditional exclusion from learning that OBC and dalit intellectuals like Phule and Ambedkar have placed such importance on education as a weapon to be used in the resistance to brahmanism.

It should be fairly clear from the preceding discussion that the understanding of caste as an *ideological* system, based on the *irreconcilable* opposition of the principles of purity and pollution, as outlined by Dumont and which had dominated the discipline of sociology for far too long, is completely unsatisfactory as the way to analyse caste, especially from the point of view of those who have been condemned to occupy the bottom rungs under degrading conditions of existence. Apart from being brahmanocentric, it is totally unmindful of the very material dimensions of the caste system. Caste is not merely the opposition between pure and impure but at a more fundamental level it incorporates other kinds of oppositions such as domination and subordination, exploitation and oppression, based on unequal access to material resources as the works of certain less dominant sociologists have shown.

From a gender point of view Claude Meillasoux's ability to build class into the framework of caste is also significant because it enables us to extend this framework to include gender. Meillasoux has argued that the notion of impure was crucial to the ideology of the caste system because it was required to keep the low in a state of subordination; this too applies to gender, and to the impurities that inhere in women as we will see in Chapter 4. The denial of knowledge was a crucial part of the ideology of the caste system and it was one of the most elementary formulations of inequality in traditional India. This denial had another crucial dimension. It refused to consider the knowledge and skills of the lower castes and women as 'knowledge'. Not only did it succeed in crippling the exploited castes, and women of all castes, but it also led to the brahmanic ideology of a specific kind of social and moral order becoming hegemonic—the only knowledge system to explain caste for all time, thus leading directly to the Dumontian framework so dominant today.

NOTES

1. Louis Dumont, *Homo Hierarchicus* (London: Paladin, 1972); Michael Moffat, *An Untouchable Community in South India* (Princeton: Princeton University Press, 1979); Joan Mencher, 'The Caste System Upside Down, or the Not So Mysterious East', *Current Anthropology* 15, 4 (1974): 469–93; Gerald Berreman, 'The Brahmanical View of Caste.' In *Social Stratification*, edited by Dipankar Gupta (Delhi: Oxford University Press, 1991), pp. 84–92.
2. Oliver Herrenschmidt, 'Ambedkar and the Hindu Social Order.' In *Reconstructing the World: Ambedkar and Buddhism*, edited by Johannes Beltz and S. Jondhale (Delhi: Oxford University Press, 2004).
3. Karin Kapadia, *Siva and Her Sisters* (Delhi: Oxford University Press, 1996, p. 3).
4. Jean Luc Racine, and Josiane Racine, *Viramma: The Life History of an Untouchable* (London: Verso, 1997), pp. 157–58.
5. Celestin Bouglé, *Essays on the Caste System*, trans D.F. Pocock (Cambridge: Cambridge University Press, 1971), p. 29.

6. I am forced to use the words 'upper/high castes' and 'low castes' even though I dislike them; in order to distance myself from the ideology that underpins these terms I have put these terms here within quotes. Hereafter they will appear in the text without the quotation marks.
7. George Buhler, *The Laws of Manu* (Delhi: Motilal Banarsidass, 1964), II. 31.
8. Ibid.: VIII. 267.
9. Gerald D. Berreman, 'The Brahmanical View of Caste.'
10. Dumont, *Homo Hierarchicus*, p. 81, n3.
11. Berreman, 'The Brahmanical View of Caste', p. 88.
12. Gail Omvedt, 'Caste, Class and Land in India: An Introductory Essay.' In *Land, Caste and Politics in Indian States*, edited by Gail Omvedt (Delhi: Author's Guild Publications, 1982), p. 14.
13. V. T. Rajashekhar, *Dialogue of the Bhoodevatas* (Bangalore: Dalit Sahitya Akademy, 1993), p. 1.
14. The concept of a dominant caste/s was introduced by M. N. Srinivas to explain the power of castes to enforce their position even though they might be low in the ritual hierarchy; many sudra castes such as jats in north India and kammias in Andhra would be dominant in the regions where they are located. See note 16 for references where there is a detailed discussion of caste-based dominance in rural India.
15. Claude Meillasoux, 'Are There Castes in India?' *Economy and Society* 2, 1 (February 1973): 89-111.
16. See M. N. Srinivas, 'The Dominant Caste in Rampura,' *American Anthropologist* 61 (1959); Anand Chakravarti, *Social Power and Everyday Class Relations: Agrarian Transformation in North Bihar* (Delhi: SAGE, 2001), pp. 106-108.
17. The concept of dominant caste as it has developed in Indian sociology has been to construct it in gender-neutral terms. It hides the fact that the threat to use violence is exercised by men. In the public sphere the assertion of caste domination is essentially a patriarchal mode of exercising power. In Chapter 9 the relationship between caste, endogamous marriage and notions of honour will elaborate this dimension of dominance. I am indebted to Pratiksha Baxi for pointing out the gender-neutral aspect of the concept of dominant caste.

18. J. H. Hutton, *Caste in India* (Cambridge: Cambridge University Press, 1946), p. 179.
19. Meillasoux, 'Are There Castes in India', p. 107.
20. Anand Chakravarti, *Contradiction and Change: Emerging Patterns of Authority in a Village in Rajasthan* (Delhi: Oxford University Press, 1975), pp. 59-60.
21. Rosalind O'Hanlon, *Caste, Conflict and Ideology: Mahatma Jotirao Phule and Low Caste Protest in Nineteenth Century Maharashtra* (Cambridge: Cambridge University Press, 1985), p. 129.
22. Shivaram Karanth, *Chomana Dudi*, trans by U. R. Kalkur as *Choma's Drum* (Delhi: Arnold Heinemann, 1984); Omprakash Valmiki, *Joothan: A Dalit's Life*, trans by Arun Prabha Mukherjee (Calcutta: Samya, 2003).
23. Meillasoux, 'Are There Castes in India?' p. 110.
24. B. R. Ambedkar, *Annihilation of Caste*. In *Dr. B. R. Ambedkar, Writings and Speeches*, vol. 1, p. 47 (Bombay: Government of Maharashtra, Education Department, 15 vols, from 1979 to 1997).
25. O'Hanlon, *Caste, Conflict and Ideology*, p. 129.

The Axis of Gender Stratification in India

INTRODUCING THE FIELD

After two decades or so of feminist scholarship the emphasis of women's studies has more sharply shifted away from the earlier framework of the 'status of women', which we inherited as part of the dominant paradigm of the nationalist historian A.S. Altekar. Altekar's focus was on a limited set of concerns: property rights, marriage age, enforced widowhood, the participation of women in rituals and so on—mainly or exclusively applicable to the upper caste woman. The emphasis now is on the substantive question of women's subordination and the structures that make for their subordination. The issue, at least in feminist scholarship, no longer is whether women's status was high or low but rather the specific nature and basis of their subordination in Indian society. We have also been made aware that while the subordination of women is a visible feature of most stages of recorded history, and is prevalent in large parts of the world, the extent and form of that subordination has been conditioned by the social, economic and cultural environment in which women have been placed. Analysts of gender stratification in India have thus tried to give a historical basis to female subordination in India. They have done this by outlining the historical development of patriarchy/ies—in other words, suggesting how, when, and in what contexts patriarchal institutions came to be formed, and thereafter transformed over the centuries.

We have discussed in Chapter 1 the relationship between class, a more universal axis of subordination, and caste—a form of stratification unique to India. On the one hand, we need to examine the relationship between class and gender; on the other we need to look particularly at the relationship between caste and gender because of the manner in which these two institutions shape each other. While the relationship between class and gender has been examined by a number of scholars both outside India and inside it, the work of examining caste and gender has to be, and has been, our task in India. Gerda Lerner's exploration of the relationship between class and gender, and the importance of recognizing the crucial place of control over female sexuality as a central feature of the subordination of women in the case of early Mesopotamia, has been a pioneering and influential work in studies on gender stratification.¹ As Lerner began examining her historical sources in detail she was puzzled by the evidence that showed that whereas women seemed to have greatly differing economic statuses—that is, while they belonged to different classes, and often enjoyed economic independence, their sexuality was nevertheless controlled by men. This led her to recognize the need to look beyond a simplistic understanding of economic questions and focus instead on the control over female sexuality, and the manner in which reproduction was organized. This meant that we not only need to understand how production was organized and who controlled it—that is, the class dimension of it—but also how reproduction was organized and who controlled that. Her analysis has been extended by feminist scholars to the Indian context to examine caste and its relationship to gender. We have thus had to look at both class and caste, how production was organized in India, who and what castes controlled it, who provided the labour and who did not. In addition we have also had to consider how *reproduction* was organized, who *controlled* the *crucial* resource of *female sexuality* and what *ideologies* sanctioned and legitimated such control. We had to explore not just the links between class and gender, class and caste, and caste and gender in the Indian context, but also the strategies devised to reproduce the entire system.

Class, caste and gender are inextricably linked; they interact with and shape each other: the structure of marriage, sexuality, and reproduction is the fundamental basis of the caste system. It is also fundamental to the way inequality is sustained: the structure of marriage reproduces both class and caste inequality and thus the entire production system through its tightly controlled system of reproduction.

THE PLACE OF ENDOGAMY IN THE CASTE SYSTEM

It is useful to reiterate that it is the difference between class as a system of production and caste as a system of both production and reproduction that distinguishes the Indian system of stratification from other regions and introduces the specific complexities of the Indian situation. Caste as a system of discrete units within a larger system of production makes endogamy (the rule enjoining marriage within a specified group, that is, caste) a crucial element of the caste system and this in turn affects gender. Caste cannot be reproduced without endogamy and it is for this reason that endogamy has been regarded as a tool for the manifestation and perpetuation of caste and gender subordination. Sociologists have pointed out that a caste has an identity in relation to others, only in terms of its distinctiveness from other caste groups and this can only be maintained through reiterating separation and therefore through endogamy.² It is endogamy that enables also the expansion of a certain kind of production relations and provides it with the flexibility to incorporate other pre-caste communities, maintaining the cultural discreteness of each new community that becomes a part of the caste system. For these reasons, and most important because it ritualizes female sexuality as the key to maintain the bounded nature of each group, endogamy itself needs to be examined closely. At another and more popularly operational level endogamy is understood also as the basic element in the marriage system of the subcontinent.

We thus need to know about the way the exchange of women and marriages evolved and the variations in their patterns on the subcontinent. In this context a number of questions are relevant: What is marriage? Is there a universal way it can be defined? What do we know about the history of marriage in India? Answering these questions from a

woman-centred point of view will add to our understanding of gender relations in India. Unfortunately such questions have yet to be fully explored. For the moment we have the work of anthropologists and the feminist examination of the early history of a neighbouring region by Lerner that we can use to our advantage in Chapter 3.

It is not permitted to contract marriage with a person of another caste, nor to change from one profession to another, nor for the same person to undertake more than one, except in the case of the philosopher when permission is given on account of his dignity.

Megasthenes, *Indica*, ca 3rd century B.C.

One should marry a woman whose virginity is intact, endowed with auspicious marks, not previously wed by another, dear to one's heart, of the same varna, not a sapinda, younger than oneself, not diseased, not from the same pravara and gotra, possessing a brother . . .

Yajnavalkya Smriti, I.52-55.

The imperatives of separation within the ideology of pure and impure have meant that since each jati is a bounded group, it must be reproduced as a bounded group in order to preserve it as a discrete social unit. Endogamous marriages have been the primary means by which this separation is achieved. Since marriages must conform to the rule of endogamy in a caste society there is a crucial relationship between caste and gender in the perpetuation of the caste system and we need to devote serious attention to the structure/s of marriage both in the past and the present.³

One of the important, though still underdeveloped, areas of feminist research is the field of marriage and/or the exchange of women between groups to facilitate 'orderly' patterns of exchanges among them and the rules that govern such exchanges. While the interest in the field is relatively recent in the case of feminist scholars, there has been a long-standing interest in this area by anthropologists. Their work has been drawn upon by feminists to explore the crucial question of the exchange of women by communities and the manner in which women's sexuality, and then women themselves, become a resource in the hands of the tribe/clan, or any other group,

such as a caste or subcaste, whose members they are, as well as the consequences of such exchanges on the subordination of women. As Gayle Rubin has put it:

The exchange of women is a shorthand for expressing that the social relations of kinship system specify that men have certain rights in female kin and that women do not have the same rights in their male kin. . . . [It is] a system in which women do not have full rights to themselves.⁴

Among the rules that social groups have created for the exchange of women, ritualized as marriage, have been exogamy (the rule *prohibiting* marriage within a specified group) and endogamy (as mentioned earlier, the rule *enjoining* marriage within a specified group). The former is a circle of those whom one cannot marry and the latter is a circle of those from within whom one must marry; those outside the endogamous circle are also prohibited in terms of constituting a legal or valid sexual relationship within marriage. This category of people has been described more simply as the *marriage circle*, which reflects both territoriality and kinship. This body includes all those too closely related by marriage to be acceptable as marriage partners—which works as the rule of exogamy. It also includes those sufficiently distantly related to be eligible for marriage but from within a bounded group, going outside of which will cause the group to lose its specific identity, which is the rule of endogamy. All societies have some principle of exogamy within which one cannot marry because people within this circle are regarded as too close a set of kin. But endogamy—bounding off a group from others to maintain separation—is less universal and is a necessary feature of a society *stratified on the basis of birth*, as different strata would not be able to maintain their distinctive identities without it. According to Claude Lévi-Strauss, true endogamy is merely the refusal to recognize the possibility of marriage beyond the limits of human community. The definitions of ‘community’, however, are in reality many and varied, depending upon the philosophy of the group in consideration.

In the subcontinent distinctions are often based on rank and fortune which are rated highly, but this general position

is also more *deliberate* and is calculated to *maintain* certain economic and social privileges *within* a group as in the caste system. In ideological terms, however, endogamy is also a crucial way of preserving the qualitative attributes of a *jati* and establishing its difference from other *jatis*. Arranging marriages is a way of ensuring that endogamy functions in a circumscribed way and limits the possibility of marriage outside the 'culture' that is conceived very narrowly.

MARRIAGE PRACTICES

The 'arranged' marriage is thus the norm in marriage practices in India, and it is the underpinning of endogamous marriages, which itself is the basis by which the caste system is reproduced. For a suitable marriage the bride and groom must belong to the same caste or subcaste and be outside the exogamous category of the *gotra*, or the *patrisib* (where members are believed to have descended from the same ancestor), that is, the girl and boy cannot belong to the same *gotra*. Additionally, in different regions, different degrees of kin on the father and mother's sides of the marrying couple are prohibited from being considered for a suitable marriage. Let us look at how these rules work in marriage practices in India within the framework of the caste system. Our example is based on fieldwork in Bengal conducted by an anthropologist but the features described are of much wider reference as beliefs that inform decisions that are taken in making marriage alliances.⁵

At a general level, marriage is an aspect of people's notions and practices built around birth and descent. Marriage is entered into and performed to ensure the immortality, continuity and purity of the male descent line—the *vansa*—and the social group—the caste or subcaste—for which the line is the organizing principle. Marriage is regarded as vital to the maintenance of one's caste status, defined as one's standing among the smaller segmentary subdivisions within the caste. Therefore in the viewpoint of the people the *principles* of marriage practice are inseparable from the very *principles* of *hierarchy* at the core of caste-based Indian society. Marriage is thus linked to belief and ritual—it is the *purity* of its practices that yields *hierarchy*.

The continuation of the male vansa or line is the primary aim of marriage which requires a girl from a different line to be brought in. The exchange of women is sought to be ritualized in caste society as the greatest gift a man can bestow, from which he acquires the greatest merit, by making a gift of his daughter, through what is known as *kanyadan* among the upper castes. Hence there is an insistence on the proper ways in which the gift should be made. Such a 'gift' should be made to a man who is within one's jati/caste group. The recipient of the gift of the *kanya* or daughter in marriage must also be outside the circle of avoidance—the gotra and the kin group of the mother and father of the girl being gifted, as mentioned earlier.

Marriages are made so that a man may start his own vansa. In a sense then, through such a transfer, women are adopted as wives of the vansa in exchange for daughters of that vansa who are adopted into other vansas by a corresponding change of gotra-affiliation. This allows outsiders to become vehicles for the perpetuation of an existing male line. The incoming wives maintain all the rules of purity and pollution of their husbands' vansas. This is a complete change for a married woman whose father and mother's sides have nothing more to do with her new family.

Cultural beliefs, derived on the basis of field information, make it evident that what is being gifted as part of the *kanyadan* is not just the daughter but her woman's 'quality' and 'thing', her femaleness (*matr shakti*), her procreative power, which is thereafter shared by her sons and daughters. *Matr shakti* is given to a man so that a vansa may be started. Men are born into a particular line, and *matr shakti*, in the person of a woman from another line, has to be given to it in order to perpetuate it. As objects of exchange women therefore have to leave the gotra and the vansa they are born into and enter into a new gotra and vansa; a man's position is fixed in the line, but women come into and go out of lines. In sum, the whole ideology and symbolism of Hindu marriage and birth is designed to express, interpret and define the coming and going of women between vansas or lines as well as the meaning of being male and female. Women, then, are mere receptacles and transmitters, never the carriers of a line. The meaning

and symbolism of the kanyadan, the 'gift' of a virgin woman (the gift of her sexuality and her reproductive power)—facilitating the exchange of women between lines—lies in what the gift accomplishes: the creation and perpetuation of the line, the joining of lines through women and the attainment of immortality to the line of the giver of the kanya. The gift also maintains the caste status and purity of the caste as the gift of a virgin may only be given to a fellow 'caste brother'. Thus men 'give' to receive, and women are exchanged to tie men to each other through the line, maintaining purity and jati equivalence.

Since the central function of marriage is to procreate, it is the children born of such a normative marriage who maintain and reproduce the social order. Both the hierarchical relations of caste and the immortality of the male line as well as of the ancestors thus rest on marriage practices. Thus caste and kinship become inseparable; marriages mediate between vansas/lines and maintain the internal purity of castes in the larger system of caste hierarchy. Endogamous marriages are not merely the practice today but are also imbued with prescriptive authority and normative value both in the Dharmashastras and in the *Ramayana*. The Kamban *Ramayana* upholds endogamy: Rama declines Surpanakha's proposal of marriage to him by first using the argument that as a brahmana woman she cannot marry a kshatriya—that would be a pratilomic union which was not permitted in the prevalent structure of marriage. He states, 'I am a kshatriya, you are a brahmana, I cannot marry you.'⁶ Here Rama is clearly investing in the prescriptions for marriage outlined by the Dharmashastras. In contrast to Surpanakha's proposal to cross boundaries, the Valmiki *Ramayana* states that Sita was duly handed over to Rama in marriage according to the Brahma form, regarded as the highest form of the eight types of marriages outlined in the prescriptive brahmanical texts.⁷

While there is an ideology to marriage practices in India, these are couched in notions of proper ways of matching families through the bringing together of a bride and a groom. Thus even today, Hindu marriages—and marriages among Muslims and Christians as well—are supposed to be arranged as the marriage context is regarded as the primary context for sorting

out where a particular family, lineage and kin group stand in relation to others. Through marriage alliances, the status of the kin group is believed to be maintained, strengthened, or weakened: the cultures of the respective families must 'jell', young people are told, when marriages are arranged to ensure their happiness. Because the status of the entire extended family is contingent upon a proper marriage, it is deemed to be too important a decision to leave to the persons actually getting married. Instead the decision is entrusted to the heads of the families. Consequently arranged marriages were and are the norm and so-called 'love marriages', those undertaken by the marrying partners are considered deviant and even dangerous.

As a consequence of the highly structured marriage system and since endogamy is a prime distinguishing characteristic of the caste system any marriage outside this circle, that is, any violation of the rule of endogamy is punished by expulsion, usually referred to as 'outcasting'. The power to enforce such expulsion vests in the marriage circle. Originally it was regarded as a *de jure* power, now it is exercised as a *de facto* power—a power of the endogamous marriage circle to control the behaviour of its members. Each marriage circle is presumed to have its own independent leadership, each set up and enforced its own rules and regulations, but in fact the dominant caste in the region often could, and did, arrogate to itself the power to enforce the internal behaviour of the marriage circle/endogamous group. To a large extent the social honour of a caste was contingent upon the purity of its internal behaviour.⁸ This body was strongly gendered as women were, almost invariably, not members of the body that decided on expulsions. We will see the consequences of the exclusion of women in Chapter 9.

THE CASTE SYSTEM AND BRAHMANICAL PATRIARCHY

From the point of view of this book the whole of the complex formation of social status, economic production and social reproduction is contingent on what has been characterized as 'brahmanical patriarchy' by recent feminist scholarship. To understand the significance of brahmanical patriarchy we need to recognize that it is not merely a routine variant within the framework of the subordination of women

but is a structure unique to Hinduism and the caste order. The term 'brahmanical patriarchy' is a useful way to isolate this unique structure of patriarchy, by now dominant in many parts of India. It is a set of rules and institutions in which caste and gender are linked, each shaping the other and where women are crucial in maintaining the boundaries between castes. Patriarchal codes in this structure ensure that the caste system can be reproduced without violating the hierarchical order of closed endogamous circles, each distinct from and higher and lower than others. Further, brahmanical codes for women differ according to the status of the caste group in the hierarchy of castes with the most stringent control over sexuality reserved as a privilege for the highest castes. Finally, it incorporates both an ideology of chaste wives and pativrata women who are valorized, and a structure of rules and institutions by which caste hierarchy and gender inequality are maintained through both the production of consent and the application of coercion. In sum, brahmanical patriarchy implies the model of patriarchy outlined in the brahmanical prescriptive texts, to be enforced by the coercive power of the king, or those who act on behalf of the king. This set of norms has shaped the ideology of the upper castes in particular. It continues to be the underpinning of beliefs and practices extant even today among these castes and is often emulated by the lower castes especially when seeking upward mobility. What the lower castes seeking such mobility have not recognized is that since brahmanical patriarchy is structurally integrated into the caste system the distinctive cultural codes for upper and lower caste women in terms of marriage and sexuality are also closely linked to the appropriation of the labour of the lower castes by the upper castes. This explains the ban on remarriage of the upper caste woman at one end and, sometimes, the enforced cohabitation of the lower caste woman at the other. The larger 'rationale' of the caste system as a system of labour appropriation has shaped the codes of gender to further the ends of the upper castes.

From this discussion it can be seen that brahmanical patriarchy is a mechanism to preserve land, women, and ritual quality within it.⁹ If we add to this the necessity of ensuring a labour supply to work the land we can see that caste and patriarchy in the social formation of early India required not only a control of women's reproductive power of the upper castes, through whom the closed structure of land and ritual quality was to be preserved, but also of all castes to ensure an adequate labour supply. This was achieved through the unique form of demographic control just described.

WOMEN AS GATEWAYS

Under brahmanical patriarchy women of the upper castes are regarded as gateways—literally points of entry into the caste system. The lower caste male whose sexuality is a threat to upper caste purity of blood has to be *institutionally* prevented from having sexual access to women of the higher castes, so such women have to be carefully guarded. Miscegeny, or *pratilomic varnasamkara* (the mixing of castes) or hypogamous relationships, represents the breakdown of the elaborate edifice of social order, epitomized in the anxiety about kaliyuga—a time when families are broken, rites are forgotten and women are defiled. When women and lower castes do not conform to the rules, that is kaliyuga. This mythical dystopia represents the ultimate degeneration and inversion of the moral order.

The caste system and brahmanical patriarchy work to the advantage of a very few men at the top of the order, thus, all others who are *complicit* in this system only facilitate its reproduction. It is ironical therefore that brahmanical patriarchy's obsessive concern with controlling female sexuality and ensuring the reproduction of pure blood—the earliest evidence we have for an abhorrent form of genetic engineering—has survived across all caste groups, high and low, in a way that changes in legal forms and even liberal ideologies have not been able to break. What is tragic is that the lower castes too, especially in north India, strongly monitor female sexuality for purposes of exogamy but also more generally, thus reproducing the bio-genetic map of inequality, without being *conscious* that these *norms* are derived from the very *structures* that *oppress* them in other ways.

NOTES

1. Gerda Lerner, *The Creation of Patriarchy* (New York: Oxford University Press, 1986).
2. Adrian C. Mayer, *Caste and Kinship in Central India: A Village and Its Region* (Berkeley: University of California, 1970), p. 4.
3. See, for example, Uma Chakravarti, 'Conceptualising Brahmanical Patriarchy in Early India: Gender, Caste, Class and the State.' *Economic and Political Weekly* (henceforth EPW) 27, 14 (3 April 1993): 579–85.

4. Gayle Rubin, cited in Gerda Lerner, *The Creation of Patriarchy*, p. 25.
5. This section is based on Lina M. Fruzzetti, *The Gift of a Virgin: Women, Marriage, and Ritual in a Bengali Society* (Delhi: Oxford University Press, 1990), Chapter 1.
6. Kathleen M. Erndl, 'The Mutilation of Surpanakha.' In *Many Ramayanas: The Diversity of Narrative Tradition in South Asia*, edited by Paula Richman (Delhi: Oxford University Press, 1991), p. 74; R. K. Narayan, *The Ramayana* (Delhi: Vision Books, 1987), p. 28.
7. M. L. Sen, *The Valmiki Ramayana* (Delhi: Munshiram Manoharlal, 1997), p. 52.
8. Morton Klass, *Caste: The Emergence of the South Asian Social System* (Delhi: Manohar, 1998), pp. 88-93.
9. Nur Yalman, 'On the Purity of Women in the Castes of Ceylon and Malabar,' *Journal of the Royal Anthropological Institute of Great Britain and Ireland* 93 (1962): 25-28.

Caste, Class and Gender: The Historical Roots of Brahmanical Patriarchy

How did the complex structure of the caste system that has been outlined in the preceding chapters come into being and evolve over the centuries? Why should we be concerned with the historical aspects of the structures that operate in the world that we live in? The historical evolution of the specific forms of stratification on the subcontinent is certainly important in itself; further in order to understand their workings we need to give male dominance and upper caste dominance not only a historicity but also a common lineage because the two are so closely linked. Broadly it can be argued that if events occur close to each other their relationship is not casual but more deeply and structurally linked. A historical survey is therefore useful. But before we can proceed with this exercise we need to recognize that there is a great diversity of practices both in terms of caste and in terms of gender according to region, as has been suggested earlier. The very diversity of geographical regions and ecological zones—implying a relationship between landforms, flora and fauna and climate among other features—has meant that the subcontinent has had many social formations and modes of production both in the past and in the present. This link between ecological zones and modes of production and cultural practices has been aptly captured in Sangam literature through the concept of the

tainai with different geographical regions—such as the riverine, the coastal, or the upland—having different occupations and distinctive deities. That forms of stratification are linked to specific geographical regions is also now widely recognized and the caste system itself is more intense or less so in different parts of the subcontinent.

Similarly, on the basis of a mapping exercise of forms of patriarchies and distinctive manifestations of gender relations in the subcontinent, it can be seen that there is a fundamental relationship between a particular social formation and the form of patriarchy evolved therein. As we explore different regions and different time periods, we can see that an evolved caste-based patriarchy is very different from tribal patriarchies. While it is important to study the complexities of patriarchal formations, it is useful to note that dominant arrangements, such as those that the brahmanical model of patriarchy came to evolve, have also influenced the patriarchies in the contiguous social formations. Tribal patriarchies, of which there are many variants, have both co-existed and been reshaped by the dominant model of patriarchy in India, just as the caste system has evolved as a product of different and uneven social systems over the centuries.

SOCIAL FORMATIONS AND STRATIFICATION: EARLY SOCIETIES

Since the relationship between caste and gender has yet to be satisfactorily explored we can more easily begin by examining the historical evolution of class and caste and thereafter engender these processes of evolution. Further, exploring the relationship between caste and class as it developed over the centuries is also useful from the point of view of this work because it helps to bridge two major moments in history. The first move can be seen in the changes from a pre-Manu social formation, well delineated in the early Buddhist literature, broadly reflecting the period from the fifth to third centuries B.C. to the structure outlined by Manu in the first or second centuries A.D. and the second from that structure to contemporary social reality. The structuralist analysis of caste led by Dumont is historically unsatisfactory since an overarching (and we may add static) concept of caste *conceals* a complex

and heterogeneous social reality which is *continually shifting* and which the structural analysis of caste does not, indeed cannot, capture. Drawing from prescriptive texts, myths and literature, systems of representations have been imposed by structuralists upon social reality by a singular focus on ideologies and doctrines rather than by developing an analysis from the social reality itself. In the real social process it is the relations of production and reproduction that define social groups and not the other way around. Thus it has been argued that representations of the brahmanical prescriptive texts must be confronted with *lived social reality*, which is sometimes hidden, but which an analysis of material relations can make clear.¹ While lived social reality is not easy to delineate for the ancient past because of the limited nature of the sources, this is somewhat facilitated by the Buddhist and Jaina sources which are often descriptive and contain references to places, people, their social origins and to events. Even if we do not necessarily take them to be a factual depiction of reality they may nevertheless be useful from the point of view of reflecting a broadly realistic set of social relations.

The earliest prehistoric societies on the subcontinent are documented through archaeological evidence such as tools, pottery and cave shelters—the incidental remnants of human habitation, sometimes called the garbage of history—but these remnants do not provide any decisive evidence on the existence of social hierarchies. Using anthropological accounts of tribal communities in the hunting-gathering stage, scholars have built up an account of the relationship between a particular kind of social formation and the kind of stratification that it could have generated. From a gender point of view it has been suggested that in simple societies stratification was minimal and that gender stratification cannot be presumed to have existed; Gerda Lerner's work is useful in this context as are the works of other anthropologists.

The idea that there was a sexual division of labour in which men confined themselves to the work of hunting and women and children gathered is now contested, as is the view that this created a hierarchy between the sexes. Feminists have argued that the food gathered accounted for 60 percent of the food supply in prehistoric hunting-gathering societies;

this included the food put together by the trapping of small game, fishing and the gathering of fruits and roots. The hunt of large game was therefore not the main form of food supply, despite Hollywood films telling us that this was how it was in the barbaric past! Thus it was not as if the 'work of women' was less important than that of men. Also, not all women were absent from the hunt. Indeed women's participation in the hunt was visually represented in the cave paintings in Bhimbetka in central India, a Mesolithic site dated to roughly circa 5000 B.C.² Women are depicted as engaged in gathering fruit and other produce as well as small game, using baskets and small nets. They also appear to have combined their role as mothers with their activities as gatherers. Paintings include those of a woman with a basket slung across her shoulders with two children in it as well as an animal on her head; another one depicts a woman dragging a deer by its antlers, and a third depicts a woman engaged in trapping fish. Women carrying baskets are often depicted as pregnant, and there are group-hunting scenes in which women too are present. Sometimes they wear an elaborate headdress and it is possible to argue that their presence might indicate that they had both a symbolic and an actual participation in ensuring the success of the hunt.

From this we may deduce that there was no rigid sexual division of labour, and that the role of women in the food economy was equal if not more than that of men. Lerner has argued that the most egalitarian societies are found among hunting-gathering groups and are characterized by interdependency. The relative status of men and women can at the most be characterized as 'separate but equal'.³

What is most significant is that the important role of women in the economy, which appears to have been highly valued, was enhanced by the importance attached to the reproductive role of women as there are depictions of pregnant women, women in their nurturing roles as mothers and even in the act of childbirth—the last has been identified as the figure of a Mother Goddess. It is important to bring in supportive evidence from other existing sites such as Mesopotamia and other early cultures. The Mother Goddess is almost invariably present in these sites, and it has been argued, therefore, that the first form of religious expression for men and women is

the psychological bond between mother and child, and that the 'life giving mother' appeared to have power over both life and death. Observing this dramatic and mysterious power of the female, men and women turned to the veneration of the 'Mother' Goddess.

Female reproductive power in such hunting-gathering societies was regarded as valuable because the very survival of the community was dependent on it. Prehistoric paintings at Kathotia, Bhimbetka and Kharwai, all in central India, treat female sexuality as part of female existence—thus women as reproducers are not split off from women engaged in productive activities in the hunting-gathering economy. Society in this phase has been characterized by one scholar as matristic—one in which women were not subjected to the authority of men nor of other women. There would be little need in such a society for the sexual control of women by men.

Archaeological evidence from the Harappan culture has not been supported by written evidence (unlike the case of Mesopotamia) so our understanding of this culture remains incomplete. We cannot therefore say anything conclusive about gender relations in the Harappan culture. Recent analyses, however, have posited the existence of a fairly stratified society, a complex system of food production and food distribution, a considerable focus on craft production, and both local and long distance trade, a labouring class and an elite who occupied the citadels in this sophisticated urban civilization. A recent study has suggested a very controlled distribution of the population across a large span of territory as well as a controlled craft production system. Two types of statuary are available: one a formal representation of men—perhaps kings or priest-kings⁴ and the other a large number of clay Mother Goddess images that appear to have been worshipped widely. These Mother Goddess images and the bronze statue of a nude 'dancing girl' could be read as a continued veneration of the life-giving power of women and women's special relationship to reproduction, and an acceptance of their sexuality. At the same time with evidence of a complex economy, and social stratification—even a strong state—it would be difficult to imagine that women's sexuality was not already under some form of control—by the community or the state—even as it

might be ritualized or celebrated in principle. Indeed Gerda Lerner's analysis of Mesopotamian evidence, on the basis of which she has delineated the various stages in the creation and consolidation of patriarchy, would suggest that some form of community, clan and/or state control over women and their sexuality were aspects of the social organization of the archaic state and could well have existed in the Harappan culture too.

RG VEDIC AND LATER VEDIC SOCIETY

Rg Vedic society brings us to another stage in the history of the subcontinent as it is among the most contested areas of our history today. Nineteenth-century Hindu nationalists—mostly from the newly educated middle classes, always male and upper caste, romanticized this period. This was partly in order to establish the superiority of their traditions over those of their European conquerors but particularly because they needed to establish the high status of their women for some time in the past, as their condition was so evidently 'low' at the time they were writing. For them Rg Vedic society became the golden era as far as women were concerned. The period was, however, never subjected to rigorous historical analysis. Recent scholarship has begun to analyse the textual and, to some extent, the archaeological evidence, to outline the economy and society of the Rg Vedic period, although the period still awaits detailed feminist scrutiny. But on the basis of the studies to date we can historicize the period and contextualize the evidence in the text of the Rg Veda somewhat better. As the society was mainly pastoral, it has been characterized as a simple, largely egalitarian society which was non-surplus producing. There is no evidence for birth-based distinctions which appear for the first time in the *purusasukta* hymn in the Tenth Mandala of the Rg Veda and has been regarded as an interpolation. However, an analysis of the hymns shows that the strongly patriarchal nature of the society is fairly evident as is the valorization of male war heroes. While a few hymns are dedicated to female deities such as Usha, Aditi and Surya, these are nowhere as significant as those celebrating the power of the male Gods like Indra. In the Family books—Mandalas II to VII, regarded as the earlier segments of the Rg Veda—only 22 hymns are addressed to the Goddesses whereas 407 hymns are addressed

to the Gods. Further the possibility of hostility between an archetypal warrior God like Indra and the Goddess Usha is suggested in a hymn in the Rg Veda.⁵

At the level of production and division of labour, since the economy was simple, women were not excluded from production: indeed women may well have been the more stable element in taking care of the cattle as the men of the tribe were preoccupied with cattle raids—that is, in enhancing the cattle wealth of the family or clan. Warfare is an important issue in the Rg Veda and the conflict between various tribes among themselves, and between the Rg Vedic tribes and those hostile to them such as the dasyus, dasas and sudras kept the men engaged in these raids. While women were not excluded from the ritual of the sacrifice—indeed their participation was necessary—women's sexuality was under the control of the clan or community whose leadership was patriarchal. The practice of niyoga suggests that women's sexuality was a resource in the hands of the family she married into as she was remarried to her brother-in-law on the death of her husband. Also the women of the subjugated tribes were incorporated into the households of the victorious tribes/clans, providing both productive labour and perhaps reproductive labour to their masters.

Gender stratification existed along two axes—class as well as within the clan to which a woman belonged. Her function as a reproducer was very strongly indicated even in the marriage rituals of the later Vedic texts such as the *Brahmanas* and the *Grihya Sutras* (ca 800 B.C.). This could not have appeared as a sudden and dramatic new development, although increasing stratification of society would have certainly led to changes in the nature of control over women's sexuality. Indeed, some scholars have argued that despite being a non-surplus producing simple pastoral economy, Rg Vedic society was already stratified along the axis of lineages; there were senior and junior lineages and the rajanya or the head of the tribe could only be from the senior lineages.⁶ The existence of a chariot-driving warrior aristocracy has also been suggested, and if marriages could only take place within these clans to maintain themselves as a closed group, then the sexuality of women would have been subject to some constraints in these clans.

The later Vedic texts provide more direct evidence: the *Satapatha Brahmana*, for example, expresses fears regarding the sexuality of women not directly under the control of men, especially husbands. It refers to the fear that the wife might 'go to other men' [I.3.1.21] and also suggests that the king is concerned with maintaining 'orderly sexual relations' within marriage: the divine raja Varuna is stated to seize the woman who has adulterous intercourse with a man other than her husband [II.5.20]. The fear of an uncontrolled female sexuality is best articulated in the myth of Dirghajivi, literally long tongued—a metaphor for ghoulish sexual thirst, who destroys the sacrifice through her presence. The Gods sent the handsome Sumitra, who neutralized the danger that she represents by taming and then destroying her. Roughly at the same time and spanning into the sixth century B.C. the *Grihya Sutras* show a great concern with the dangers presented by the wife as she enters her husband's household. She needs to be carefully selected, carefully groomed and carefully controlled: while women are necessary as without them no reproduction of the husband's household can take place they have the potential for disrupting the process. The elaborate care about selection is a consequence of the anxieties generated by the attempt to bring a 'stranger' into the lineage and household of the husband.⁷

The most sensitive analysis from a feminist point of view is that of Kumkum Roy who has examined the major brahmanical texts of the period B.C. 800 to B.C. 400 and outlined the emergence of monarchy in northern India.⁸ What is significant is that Roy has demonstrated the links between stratification along the axis of caste/class as well as gender *through the same social processes*. Using rituals as the basis of her study, Roy shows how varna stratification, control over production and control over reproduction were sought to be legitimated by the rituals outlined in the brahmanical texts and performed by kings on the one hand and the yajamana—the head of the household—on the other. While the great coronation rituals like the asvamedha, vajapeya and rajasuya legitimated the king's control of the productive and reproductive resources of the realm, the household rituals legitimated the yajamana's control over the productive and reproductive resources of the household. Thus in two parallel processes patriarchal control

over production, and reproduction and the subordination of *some* men and *all* women, both as social and economic beings and as reproductive beings, was sought to be established and then consolidated by the kings and the upper castes.

BUDDHIST AND JAINA TEXTS CIRCA B.C. 600–300

By the sixth century B.C. the Gangetic Valley was witnessing a transition at many levels: in agriculture, in agrarian production relations, in craft production, in trade, in urbanization and in the nature of state formation. Evidence from the Buddhist and Jaina texts for the period ca B.C. 600 to B.C. 300 is therefore useful in outlining the resultant process of class, caste and gender stratification in more detail and also in depicting contestations of the process of the development of caste, which appear to be clearly spearheaded by the brahmanas.⁹ In many references we find dialogues between the Buddha and various brahmanas in which the latter stake a claim to the highest status in society based on their inherent superior characteristics. Among the claims they make is that they have a right to draw service from the lower varnas, the vaisyas and the sudras. They talk in terms of varna and they use the fourfold classification of the brahmanical texts of brahmana, kshatriya, vaisya and sudra. They also appear to stake a claim to differential treatment in terms of punishment because the Buddha implies that this is not accepted by anyone else. Indeed the dominant theme of the Buddha's dialogues with the brahmanas is to contest every claim of theirs. He denies that they have a right to draw service from the lower orders, arguing that this is a feature of those who have *wealth*; it is the latter who alone have the capacity to buy labour. There is no such thing as a division between masters and servants, based on *inherent* status, which can be accepted as a feature of human society according to the Buddha. Using the example of the northwest of the subcontinent he points out that masters—ayyas—can become dasas and vice versa there, and clearly this aspect of economic mobility, which is open, has the endorsement of the Buddha rather than the fixity of social privileges that the brahmanas are claiming for themselves. That all human beings share certain characteristics—all are born through similar biological processes—is stressed by the Buddha who mocks at the

brahmanas for trying to place themselves above everyone else. Similarly, the brahmanical attempts to appropriate the means of production through large land grants from the king are also disapproved of by the Buddha. Perhaps the disapproval was based on a complex of factors, but among them could be an understanding that once the brahmanas were in control over the means of production it might be difficult to deny them the social status they were claiming.

From the texts it is evident that not only was the Buddha contesting the claims of the brahmanas to inherent superior status but also that there were alternative notions on systems of stratification. Here, more universally, control over land as a resource for production, and certain kinds of occupations were regarded as making for high status. The gahapati, as controller of land, is invariably categorized as high and is never referred to by the brahmanical terms of *varna* or *jati*, suggesting a certain openness of entry into such a status. Conversely certain occupations were regarded as menial as was the selling of labour. The buyers of labour in the Buddhist texts are almost invariably the gahapatis and the providers of labour are invariably referred to as *dasas* and *kammakaras* who worked in return for food and wages. Perhaps the fact that these were segments that did not have autonomy over themselves or were vulnerable because they were poor and marginal placed them in the lower end of society. What is striking is that the classification into high and low is merely twofold, unlike the more elaborate brahmanical system. That there could be regional variation in the system of stratification is also a recognized fact in an explicit phrase used by the Buddha. The listing of many occupations suggests that they were not hereditary and many were clearly open to choice such as writing, accounting and recruitment into the army.

To sum up the evidence of the Buddhist texts on class and caste, it appears that the system of stratification reflected in it is closer to the actual relations of production and shows also that there was a clear contestation of the view that certain *varnas* are entitled to judicial privileges by virtue of the inherent superiority of their birth. There is also a rejection of the permanency of categories among owners of the means of production and its corollary that there is a permanency of servility; the buyers of labour and services are mutable, as *ayyas* need not always

remain masters or *dasas* slaves. Status, as linked to control over the means of production, is in any case not permanent because it is not inherent, and it is certainly not divine as the brahmanical texts are trying to represent it. Further, the king who is a pivot of the political system is never perceived as someone who must uphold the status order of *varna* or *jati*. Unlike the repeated exhortations to the king to uphold the *varna* divisions in the brahmanical texts, in the Buddhist texts the king is merely represented as someone who acts vigorously to punish adultery on the one hand, and theft on the other. The social institutions that had come to be recognized appear to have been the family and private property, not a birth-based status order regarded as divine and immutable. This is of crucial significance: as represented in the Buddhist texts, as a secular human creation, social stratification is perceived as both dynamic and capable of reformulation. The Buddha, as a witness to rapid changes in society, and as a creative social philosopher, refused to accept the brahmanical *varna* divisions or even the *varga* (class) divisions as static and not subject to the continually changing nature of the world, which is a fundamental principle in Buddhist philosophy.

However, an important aspect of the evidence from the Buddhist texts are the references to endogamy. It is significant that these references are made even when inherent status is being denied, or combated. Nevertheless where 'jati' is regarded as relevant to marriage, it is possible that a notion of *jati*, technically implying birth, was prevalent in the context of marriage—that is, perhaps it was already an endogamous unit without the other attributes that are now regarded as essential elements in the caste structure applying to the system. Purity of blood appears to be a valuable attribute, especially among the ruling clans. One of the grounds on which the Buddha contested the inherent superiority of the brahmanas was that they were not as concerned about the purity of blood as the clan of the Sakyas, to which he belonged. There is also a long account of how the Sakyas refused to provide one of their girls in marriage to King Vidudhaba whose lineage was not as pure as that of the Sakyas. Unable to directly resist the king's request because of his power they entered into an elaborate charade and palmed off the daughter of the king by a slave woman and

thus maintained their purity. The texts thus suggest that the concept of jati, as well as gotra and kula, were already in existence and that certain categories like the brahmanas and the kshatriya clans were already endogamous even as it was being breached, or that such breaches were tolerated when certain men were involved. However, despite this evidence for the practice of endogamy, the Buddhist sources also suggest that there was a resistance at that time to accepting the brahmanical position on caste. There was a resistance in particular to the linking of birth to inherent status and privileges, accepting a hierarchy of castes, and then making that hierarchy congruent with the relations of production in a permanent and self-perpetuating way. In contrast, by regarding the gahapati as the owner of the means of production as 'high', it was the relations of production—the difference between those who owned the means of production and those who laboured for others—that were being treated as the index of status rather than the other way around.

This early attempt reflected in the Buddhist texts to establish new production relations that would enable anyone with entrepreneurial skills, a minimum of resources, and the capacity to marshal labour, as typified by the gahapati, probably did not succeed. Thus an alternative to the brahmana's ideological structure did not emerge. This may have been a consequence of the high value given to endogamy which we have just seen in the account of Mahanama, depicting the prevalence of endogamy on the one hand, and of hypergamous secondary unions on the other, in certain lineages. The ultimate elaboration was likely to have been achieved when endogamy was linked with the production system and with birth-based occupation. There is a major difference between endogamy in a relatively non-hierarchical situation, and within a highly hierarchical society which is linked to the production system wherein some have an automatic right to be owners and others are denied access to the means of production. In the Buddhist texts there is no established link among endogamy, occupational specialization, and birth-based hierarchy, with attendant privileges and disabilities. It was the linking up of these separate elements, through the varnasamkara theory—a handy tool providing an ideological justification for the proliferation of castes within a

more complex production system, relying heavily on endogamy at the jati level to perpetuate the whole structure—that led to the broad varna-varga congruence that we still have with us.

THE DHARMASHASTRAS

These developments are most systematically articulated in the Dharmashastras, particularly the *Manu Dharmashastra*, the *Manusmṛiti*, attributed to roughly the second century A.D. Manu's concern with reiterating divine sanction for varna divisions is outlined in the preliminary chapters of his text; it is part of divine creation, as old as the creation and evolution of the world. According to Manu, it was to protect the universe that the creator assigned separate duties to those who sprang from different parts of his body: mouth, arms, thighs and feet [I.86]. The privileging of the brahmanas is consistent: the text is written by a brahmana and is designed to promote their interests; they were also his audience. There is a hierarchy of purity in the body of the primeval man who was sacrificed to create the varnas: the brahmana who came out of the mouth is the purest, the best because he was the first born and also because he possesses the Veda—that is, he has a monopoly over the Veda, the source of all knowledge. The very birth of the brahmana is an eternal incarnation of the sacred law, and therefore whatever exists in the world is the property of the brahmana [I.98–99]. The law requires that every varna follows the 'immemorial rule of conduct' prescribed for 'all the four orders' [I.107]. The rules for the four castes are clearly linked to those of marriage, of marriage rites, lawful and forbidden foods, the close pursuit of duties by women, the duties of the king, and the behaviour of the vaisyas and the sudras. The violations of the prescribed codes and the transgressions which lead to the mixing of castes as well as the regional and customary laws are the main subject matter of Manu's code as outlined in the summary of contents [I.112–118]. The summary provides us with the ideological structure of the text itself and the centrality of the varna framework that is sought to be established.

Maintaining the caste order as the order of statuses, of occupation and of services is of sustained concern to Manu; from this we may deduce that the brahmanical varna order is

not yet firmly established, but is being sought to be legitimized and regarded as an obligation to be enforced by the kings, operationalized, and then made hegemonic. Among the basic duties of the king is to enforce the obligations of each caste according to their respective locations. The king is asked to 'compel' the vaisyas and the sudras to do their duties, for, says Manu, 'If these castes swerved from their duties they would throw the whole world into confusion.' In other words, the whole social order as conceptualized by the brahmanas would not be able to survive without the performance of the 'obligations' of the categories that laboured. The ideological and social ambitions of the writers of the brahmanical texts and the actual tenuousness of the structure are both evident in the verse just cited.

Further, the service obligations themselves could be jeopardized unless the structure of ritual power, of knowledge, of political power, occupational divisions, land control and command over labour services can be perpetuated in an 'orderly' way through bounded social groups. A structured marriage system was therefore a fundamental prerequisite for the brahmanical social order. At the same time, since the family was the basic unit in society, the obligation to marry and to perpetuate the family was privileged in the brahmanical worldview, unlike that of the Buddhist, Jaina and other heterodox systems which did not have the same concern for the social perpetuation of the varnas. The rites and obligations of the householder therefore received considerable attention in all the brahmanical texts, including Manu's. The latter's attempts at systematization is perhaps the most ideologically coherent amongst them. As one anthropologist puts it:

*Marriage is at the heart of Hindu society. It is . . . the most important event in a man's life; it is in the forefront of Hindu 'consciousness'; and it is a focal point of the social system. Marriage is directly integrated with caste which is at the basis of a Hindu's primary status position in his society. A man's caste is first of all decided by the status of his parents, and subsequently maintained or modified by his own marriage and sexual encounters.*¹⁰

It is not surprising therefore that marriage receives considerable attention in the Manu Dharmashastra. Since it is the

focal point of the obligations through which the householder reproduces the social order—the family, the lineage, the property system and the brahmanical status order—the householder is thus *obliged* to marry and have sons. This in turn requires that women must be brought in as wives from other families. Manus dwells in detail about the care that must be shown in selecting wives: they must not only be from the same caste but also from respectable families, though not related; certain characteristics must be avoided, others like auspicious bodily marks must be looked for. The brahmanical obsession with classification and hierarchization is expressed in the different forms of marriage: there are eight forms of marriage, *brahma*, *daiva*, *arsha*, *prajapatya*, *asura*, *gandharva*, *rakshasa*, and *paishacha*, and these forms of marriage are associated with the *varnas*. For instance, the *kshatriya* is permitted the *gandharva*, where the bride and the groom unite on the basis of mutual love, and *rakshasa*, where the bride is forcibly captured by the groom. Typically some are permitted only for the lower orders; conversely some are a monopoly of the uppermost orders. The higher forms are associated with gifts that accompany the handing over of the bride by her father to the groom, in which the patriarchal element is more pronounced, and the lower forms such as *asura* are associated with bride price and with the *vaisya* and the *sudra* castes, requiring the sanction of both the mother and the father.¹¹ Historians have suggested that these lower forms of marriage were intended to validate the marriage practices of certain communities which were absorbed at the lower end of the caste structure. At a more pragmatic level, the *Baudhayana Dharmasutra* (I.20. 14–15), ca fifth to third centuries B.C., states that because of their preoccupations with agriculture and service the wives of the *vaisyas* and *sudras* cannot be kept under control, and these men are not particular about their wives. Marriage was regarded as indissoluble among the higher forms whereas divorce was permitted to those practising the lower forms.¹²

For the brahmanas, the caste Manus is most concerned with, the *brahma* rite is the preferred form of marriage: here the father gifts his virgin daughter, appropriately accompanied by clothes and ornaments, to the husband (III.27). Clearly the father ritually hands over the daughter, and her sexuality, to

the husband and his consent to the performance of the marriage is enough; in the case of other castes mutual consent is envisaged as a possibility, but not in the case of the brahmana woman. Over the years, and at the level of practice, the eight forms of marriage outlined by Manu have collapsed broadly into two types of marriage: indissoluble sacramental marriage for the upper castes and less rigid forms of marriage and remarriage among the lower castes. A concomitant of the sacramental marriage was that it entailed enforced widowhood for the upper caste widow. Among those castes that did not share the 'privilege' of sacramental marriage, the widows entered into levirate unions with those who shared the bloodline of the dead husband.

While outlining marriage norms Manu states that ideally both partners should be of the same caste, or varna, as he regards the child's status as being bilaterally constituted. However, early on in his outlining of marriage partners, he also alludes to the 'permissible' practices whereby a man from the brahmana/kshatriya/vaisya castes must have his first wife from his own caste but can have one from each of the castes lower than his own too. And even as he permits the brahmana man to take a wife from the kshatriya, vaisya, and sudra castes he displays his abhorrence for the sudra wife. He also strongly condemns the taking of a sudra woman as the first wife by a brahmana man as this violates and pollutes the status order most sharply. There is no precedence for such a practice in ancient stories even in times of 'distress' says Manu, although the very sharp strictures passed against it in the text suggests that in practice such marriages *were taking place* and the brahmana ideologues were now seeking to contain them. While Manu condemns the parties to dire punishments in the present life and in the future (III.12–20), it was the difficulties of containing desire, especially sexual desire within the normative structure of endogamous marriages, that led him to rationalize all the violations within a single conceptual framework—the varnasamkara. This theory of hybrid reproduction, a consequence of violations of endogamy, also enabled the transition from varna to jati as well as to the elaboration of the caste system itself where reproduction, production, occupational

specialization, and distinctive cultural and ritual practices according to caste, came to be linked together.

Varnasamkara, or the theory of mixed unions, functions on the principle of the hierarchical arrangement of a few 'base categories' that generate new categories through the violation of the preferred endogamous marriages.¹³ Endogamy can be breached in two ways: first, through the man of a higher caste taking a wife from a lower caste, permitted to him as a secondary union. This is described in the text as anuloma, and is known in anthropological parlance as hypergamy. Since the man's seed is regarded as more powerful than the field, represented by the woman,¹⁴ hypergamy leads to social mobility if practised over many generations,¹⁵ even as it gives rise to the creation of new castes. The second is through a high caste woman having a union with a lower caste man, described in the text as pratiloma, and known to anthropologists as hypogamy. This is banned, is regarded as contemptible and leads to punishment but is an important element in the varnasamkara theory. The terms used in Manu for the two different types of violations of endogamy are significant: anuloma, going with the direction of the hair is acceptable—men from higher castes can have wives from the lower castes; this is the *natural order*. In contrast when a woman from a higher caste has a union with a lower caste male it is pratiloma—against the direction of the hair—it is *unnatural*; it is not only reprehensible but it is in the inverse order. The true confusion of castes is a consequence of pratiloma marriages/unions.

Two further aspects are significant: in the varnasamkara theory, more castes are generated from the reprehensible pratiloma unions than from the permitted anuloma unions and the brahmana as the most pure caste is responsible for the maximum number of new castes through their violations. Though both features may appear 'perverse', the greatest pollutions occur through them—the upper caste woman and the brahmana man are in the greatest danger of losing the purity of their wombs and the purity of their persons respectively—there is a logic to this perversity. Tambiah seeks to explain the paradox thus:

It seems to me that pratiloma is a convenient intellectual device for generating various disapproved categories, assigning them degraded positions and ideologically explaining, and rationalizing, why so many groups in the caste hierarchy are placed in low or downtrodden positions . . . though caste society may or may not in its actual demographic composition constitute a pyramid, its evaluation of statuses, ritual and occupational roles must necessarily be pyramidal. The pure statuses are few, the impure are legion. The [political] economy of purity and pollution makes this inevitable. [For this reason and since the high positions in society are so few] the law books show an unexpected preoccupation with permutating pratiloma unions for these in fact, though morally condemned, are the vehicle for producing the lowly positions in society of which there are in actuality so many.¹⁶

Although the varnasamkara theory is fictional and non-historical, a classificatory schema seeking without much success to impose order upon a variegated and mobile social world, it serves to illuminate certain theoretical and substantive issues. The pyramidal structure reflected the unequal divisions in society: a narrow top comprising the thinkers and fighters and a broad base comprising producers and labourers. Thus while using the rationale of purity and pollution, the brahmana framers of the concept of varnasamkara also ensured their own, and that of the uppermost castes', dominance, privileges and material interests. Further, not only did they create the rationale for a large number of low and 'servile' castes at the time that the text was being compiled, but also the structure enabled every new social group being incorporated into the Hindu social organization to be assigned a place—most joining the ranks at the bottom rungs which was capable of continuous expansion. At the same time, the total structure retained a flexibility, theoretically justified by varnasamkara, and thereby enabling the base to grow. By regarding the breach of endogamy as condemnable, the boundaries of the upper castes in particular were sought to be maintained such that the cultural and ritual substances were protected against infiltration, dilution and diffusion. In sum, varnasamkara was the means by which the caste system could proliferate and the control over women's sexuality could be differentially organized according to the location of the specific caste in the caste hierarchy. A

multiplicity of gendered caste practices were thus part of the complex arrangements incorporating a range of sexual and labour arrangements (see Chapter 5).

The normative structures of Manu, though perhaps on fragile ground to begin with in his own time, appear to have become more firmly entrenched especially in certain regions of the subcontinent. If we compare the text of Manu with that of the Buddhist and Jaina texts of an earlier period, we can see that it was the linking up of endogamy, the units of occupational groups within a hierarchy, and the freezing of certain categories as owners of land and the means of production, and others as providers of labour that created the structure of the caste system as: (i) a ritual system; (ii) a system of marriage; and (iii) a political and economic system. Once these linkages were made and the entire structure was backed by political power on a continuous basis through support to a revived brahmanism, the possibility of the alternate and more flexible structure, not tied to birth-based hierarchies, could not survive. More flexible class-like categories came to freeze into castes with the backing of political power and the entire structure was reproduced through legal notions, through the social power of the upper castes, and through the specific denial of initiatives to the lower castes. It remained 'flexible' at the top to sections of people who gained political power, had the force of arms, and political linkages; at this level expanding groups or migrating groups could be accommodated. At the lower end too the structure could continue to absorb those who could provide labour. The caste system could then become also a mode of production. In a fundamental sense the picture of flexibility that we perceived in the Buddhist texts was reversed in the later brahmanical texts: now the relations of production were fixed to conform to the status order, leading broadly to the division between those castes that held land, or the revenue thereof, and those which were condemned to labour.

SOCIAL CHANGES AND THE PROLIFERATION OF THE CASTE SYSTEM

Many historians have traced the development of brahmanism, and of brahmanical social relations, over the period roughly from the rise of the Guptas around 300 A.D. with varying

degrees of intensity over the next few centuries and expanded into different regions.¹⁷ By the fifth century untouchability had also been incorporated into the caste system and is testified to by the Chinese traveller Fa Hien, and this too became a part of the expanding caste system.¹⁸ While historians have nuanced their understanding of social history and explicitly argued or implicitly suggested that there is a continuous and repeated engagement with state formation throughout ancient and medieval times, they have also outlined the spread of brahmanism, through the grant of lands and other privileges, broadly moving out from the Gangetic Valley into central, eastern and peninsular India. Their argument has been that the brahmanas, as recipients of land grants, also carried with them into many new regions agricultural knowledge, a mode of production and new social relations. The caste system itself spread into regions where there were other tribal and clan groups and modes of production. Kosambi has argued that among the major consequences of the spread of the 'Aryans' over the subcontinent is that they broke up the discrete systems of production and cultures of many diverse communities and unified them into a larger social formation.¹⁹ The river valley regions, where the agrarian base of society was firmer, was a major area where intensive agriculture required a pliable labour supply to farm the land. The *Arthashastra* had outlined strategies for the expansion of agriculture, of agricultural production and the process of labour extraction. The twin processes of expansion of territory, accompanied by the expansion of labour resources, are captured in the account of the Mauryan state: wars are accompanied by the taking of many thousands of prisoners since without men, the conquered lands remain a dead asset. Thus, over the centuries, a mode of production expanded slowly into new areas, or there were more dramatic forays into regions as part of warfare. These were also processes whereby older communities were broken up and incorporated into new social relations. The caste system itself then would have a slow, uneven, and distinctive process of formation. It is a history that still needs to be effectively and systematically plotted. Its contours may however be seen in the works of different scholars and in the regional histories

such as of the Brahmaputra Valley in Assam and the Tamil plains that have now begun to be written.

A brief examination of the emergence of caste in the Tamil region may be useful in understanding the way local structures and beliefs could interact with ideologies and patterns of social organization from other regions to create particular formations in specific regions. Evidence from Tamil Sangam literature—ca B.C. 100 to ca A.D. 300—suggests that early Tamil society was relatively less stratified than it came to be in the post-A.D. 300 period, as societies were simple with different modes of production in different ecological regions. Even in this literature, however, a segment of the population was associated with being low and had qualities which were reprehensible. ‘Lowborn’ people were poor and lived in distinctive settlements at a distance from the main settlement. The lowborn were associated with certain tasks such as leatherwork, washing of clothes and fishing; ‘unclean’ people were additionally associated with death. An attendant notion was that of sacred power which was of two kinds: auspicious and controlled, and dangerous and uncontrolled. There was a need for many social institutions or individuals that could perform the function of controlling dangerous power: such an example is provided by the chaste wife who possessed *ananku* and could convert dangerous power into auspicious power through her virtue.

Kannagi, who is celebrated in the Tamil-speaking region, possessed karpu too, again derived from her purity, so she could evoke it in the cause of righteousness. Kannagi reduced Madurai to ashes because of the denial of justice to its inhabitants, in particular to her husband, Kovalan. The story of Kannagi and Kovalan is detailed in the epic Silappadhikaram and Kannagi now symbolizes the legendary sacred power of the Tamil woman.

Others like the lowborn were regarded by the highborn as having the inborn ability to deal with dangerous power that they could control, and isolate, but not transform. Additionally the lowly performers were indispensable to the king who drew sustenance from them and whose power in battles was enhanced by the performance of these lowborn persons.²⁰

The brahmanas, whose presence is attributed in Tamil society from about 300 B.C., would have needed to ally themselves with the kings of the Tamil region as they had been seeking to do in North India from B.C. 800 onwards, where they had also staked their claims to possessing sacred knowledge. They had succeeded only in varying degrees, as they were also being challenged by alternative traditions such as Buddhism. Over the centuries, the brahmanas succeeded in establishing themselves as a source of alternate power for the king who could supplement the role of the lowborn performer by a pure, orderly and auspicious power that they claimed to possess inherently.

At the level of economic structures, the Tamil region experienced a systemic transformation during the period A.D. 500–1000. The plethora of small kings and chieftains of the Sangam period were replaced or overlaid by the kingdoms, first of the Pallavas and then of the Cholas. As agrarian structures expanded and were consolidated, especially in the riverine areas like the Kaveri region, Tamil society witnessed an intensification of the processes of social stratification. According to some scholars this period may be regarded as a period of secondary caste formation—the first being the process of caste consolidation in the Gangetic Valley in North India by the early centuries of the first millennium A.D. During the Sangam period intensive agriculture had failed to take off for a variety of reasons, but during the post-Sangam period there were major economic changes; plough agriculture was introduced and production relations were no longer based on kinship, that is, family holdings which were earlier worked by family and kin labour. These were gradually replaced by a structure in which the brahmanas came to own a substantial proportion of the means of production through grants made by the kings, entitling them to the produce; they thus appropriated the labour of those who had earlier worked the land through kin labour. Brahmana households promoting intensive plough agriculture thus spearheaded a radical transformation of production as well as the extraction of labour. The hegemony of the brahmanas over the channels of communication and of legitimation made them a crucial component in society by the sixth century A.D. As production systems intensified and

economic systems became more complex, the occupational structure also diversified. The proliferation of occupations which were hereditary were absorbed in the jati hierarchies and the whole pattern of hierarchies was facilitated by new institutions like the temple, which in South India came to incorporate a large network of specialized services within its structure.

From the tenth century onwards inscriptions document the existence of untouchability in the Tamil region; the untouchable castes lived in distinctive cheris or neighbourhoods outside the main village. The famous Saivite Nandanar was a paraiyan, an untouchable caste, and his biography gives a detailed description of the cheri in which he lived along with many other agricultural labourers. Other paraiyans are said to be artisans and craftsmen—Nandanar himself was a leatherworker. Another caste of untouchables was the pulaiyan and one of the inscriptions suggests that they could be objects of transfer, that is, perhaps they were agrestic slaves. By the Chola period the main contours of the structures that survived into the present day seem to have been completed. With the decline of kinship-based production relations and the increasing levels of hierarchies, the earlier practices of endogamy which are suggested by the Sangam literature, along with marriage to kin and arranged marriages—even as love is a celebrated sentiment in the literature—would have different implications. While society may have had many endogamous groups, since the hierarchy of groups became more pronounced in the post-Sangam period, the question of how marriage and gender were transformed under these new hierarchies needs to be explored. Unfortunately the current scholarship on caste or on gender in the Tamil region for this period does not as yet tell us anything on which we can base any firm conclusions.²¹

It might be useful at this point to examine how this expansion could have worked over the centuries and across many regions. N. K. Bose has provided us with examples of absorption of tribes in modern times into the caste system, providing for a range of local factors shaping the process of absorption of communities into caste relations. Bose's example pertains to the juangs of Orissa who practised Jhum

cultivation and hunting and gathering on the slopes of the Malayagiri. The shrinking of their original habitat forced them to adopt wet cultivation in the lower hills, work as bamboo makers and sellers, and use the money from the sales to buy their daily necessities. Thus from being economically self-contained they have now been tagged onto the larger body of 'Hindu social organization, forming only one cog in the wheel of the advanced production machinery. In the new structure the Juangs might enjoy a monopoly of bamboo making in the region, but they would be subject to the dominance of caste relations in a hierarchical society'. Manu's explanation for the origin of a multiplicity of castes, if not taken literally, shows how many communities and groups came to be part of a larger economic and social framework. Bose also argues that while the caste structure absorbs or aggregates communities as new jatis, providing a monopoly of an occupation, either to each group or a cluster of groups, once this is achieved the working of the caste system ensures that everyone followed their allotted occupation and culture.

As Bose points out the caste system also allowed for a relatively flexible process of labour and services aggregation by practising laissez-faire with regard to the social and cultural practices of the tribal peoples. This cultural autonomy may have been responsible, in his view, for keeping subjugated tribes satisfied, and for taking the edge off possible discontent. Thus although these newly aggregated communities might have been left with hardly any economic freedom, especially after the takeover of the more fertile portions of their lands, and even though over the years they were subjected to intense domination, their way of life was left intact in the social and religious spheres.²² The economic adaptation arrived at by a particular group of people under the stress of local circumstances was made permanent by custom and then by law, and in this way small economic and social units were built up all over the country. In the process what was a distinctive tribal identity, without basis in a hierarchical system, transformed the tribal communities into castes whose *internal purity* as a caste must be maintained. This was an important shift in the move from tribe to caste.

Looking at the working of the whole structure, a point that needs to be stressed is that the caste system is not so much assimilative, as has often been presumed, but aggregative. At the top levels where political power and land control are achieved, assimilation may take place; at the lower levels it merely incorporates the labour of different groups *without assimilation*—each unit maintaining itself as an endogamous group, either performing labour or providing a service, and retaining its cultural practices. The distinctive cultural practices allowed for by the ‘flexible’ structure become then the *ideological* basis of the hierarchy itself. Marriage practices and food habits become the index of status as a group is incorporated into the larger structure of caste society in a given region. It is not surprising that the kings should prefer this system. Its ideology of appropriation of labour and services was more effective purely from a cost-benefit point of view; it had relative stability with the king-brahman duo (or their counterparts at the local level) working together; and it was reproducible in its entirety through the structure of marriage without too much attention being drawn to the economic and political inequalities entailed in the system.

In sum, in its fully worked out form in the centuries following Manu’s varnasamkara theory, especially following the emergence of untouchability, a very complex formation came to operate in many parts of the Indian subcontinent. Key elements in this formation were caste-based patriarchal codes which were linked to the production relations of a primarily agrarian society with state power backing both the caste system and patriarchal practices in a given region.

NOTES

1. Claude Meillasoux, ‘Are There Castes in India?’ *Economy and Society* 2, 1 (February 1973): 92.
2. This section is based on Kumkum Roy, ‘Women in Early India’, unpublished manuscript.
3. Gerda Lerner, *The Creation of Patriarchy* (New York: Oxford University Press, 1986), p. 29.
4. Shereen Ratnagar, *Enquiries into the Political Organisation of the Harappan State* (Pune: Ravish, 1991).

5. Kumkum Roy, 'Goddesses in the Rg Veda: An Enquiry.' In *Invoking the Goddess: Gender Politics in Indian Religion*, edited by Nilima Chitkopekhar (Delhi: Shakti Books, 2002).
6. R. S. Sharma, *Material Culture and Social Formations in Early India* (Delhi: Macmillan, 1983); Romila Thapar, *From Lineage to State* (Delhi: Oxford University Press, 1984).
7. This paragraph is based on Jaya Tyagi, 'Women in the Grihya Sutras', Ph.D. diss., University of Delhi, 2000.
8. Kumkum Roy, *The Emergence of Monarchy in North India 800–400 B.C.: As Reflected in the Brahmanical Tradition* (Delhi: Oxford University Press, 1994).
9. The following paragraphs are based on my earlier work, *The Social Dimensions of Early Buddhism* (Delhi: Oxford University Press, 1987).
10. S. J. Tambiah, 'From Varna to Caste Through Mixed Unions'. In *Character of Kinship*, edited by Jack Goody (Cambridge: Cambridge University Press, 1973), p. 223.
11. R. S. Sharma, *Perspectives in Social and Economic History of India* (Delhi: Munshiram Manoharlal, 1983), p. 53.
12. Ibid.: p. 54.
13. This section is based on Tambiah, 'From Varna to Caste'.
14. Leela Dube, 'Seed and Earth: Symbolism of Biological Reproduction and Sexual Relations of Production'. In *Visibility and Power: Essays on Women in Society and Development*, edited by Leela Dube et al. (Delhi: Oxford University Press, 1986).
15. A. M. Shah, and I. P. Desai, *Division and Hierarchy: An Overview of Caste in Gujarat* (Delhi: Hindustan Publishing, 1988).
16. Tambiah, 'From Varna to Caste', p. 207.
17. The following paragraphs are drawn from the reading that I have done over three decades for my teaching of history honours courses at Miranda House, University of Delhi. The reading includes: R. S. Sharma, *Indian Feudalism* (Delhi: Macmillan, 1965); D. D. Kosambi, *Myth and Reality* (Bombay: Popular Prakashan, 1962); R. S. Sharma, and V. V. Jha, eds, *Indian Society: Historical Probings* (Delhi: People's Publishing, 1974); see also Nayanjot Lahiri, *Pre-Ahom Assam: Studies in the Inscriptions of Assam* (Delhi: Munshiram Manoharlal, 1991); Upinder Singh, *Kings, Brahmanas and Temples in Orissa: An Epigraphic Study* (Delhi: Munshiram Manoharlal, 1994).

18. Nilkantha Shastri, and G. Srinivasachari, *Advanced History of India* (Bombay: Allied Publishers, 1970), p. 214.
19. D. D. Kosambi, *An Introduction to the Study of Indian History* (Bombay: Popular Prakashan, 1975; 2002), Chapter 5.
20. George L. Hart III, 'Early Evidence for Caste in South India,' unpublished ms; 'Women and the Sacred in Ancient Tamilnadu.' In Kumkum Roy, ed, *Women in Early Indian Societies* (Delhi: Manohar, 1999).
21. The section on early Tamil society is also derived from my reading of the works of many South Indian historians as part of my teaching. In addition I have drawn from the following papers: M. G. S. Narayanan, 'Castification of South Indian Society: Movement for Appropriation and Control Over Resources'; Rajan Gurukul, 'From Clan and Lineage to Hereditary Occupations and Caste in Early South India'; and Vijaya Ramaswamy, 'The Kudi in Early Tamilaham and the Tamil Women: From Tribe to Caste'; all in *From Tribe to Caste*, edited by Dev Nathan (Shimla: Indian Institute of Advanced Study, 1997); R. Champakalakshmi, *Trade, Ideology, Urbanisation* (Delhi: Oxford University Press, 1996).
22. N. K. Bose, *Culture and Society in India* (Bombay: Asia Publishing House, 1967), p. 207.

The Formation of Patriarchy and the Subordination of Women

Nur Yalman, an anthropologist, has argued that a fundamental principle of Hindu social organization was to construct a closed structure to preserve land, women and ritual quality within it.¹ These three are structurally linked and it is impossible to maintain all three without stringently controlling female sexuality. Neither land nor ritual quality, that is, the purity of caste, can be ensured without closely guarding women who form the pivot of the entire structure. According to the ideology of the caste system, a person's blood is always bilateral, that is, its ritual quality is received from both parents. Thus ideally both parents must be of the same caste, as we have seen, and this is reiterated in all the Dharmashastras, including the *Manusmriti*. However there can be 'leakages' in the system, which is accounted for in the theory of the *varna-samkara*. Despite providing for mixed unions, including the reprehensible *pratiloma* by which a number of castes are stated to have come into being, the texts also reserved the severest condemnation for it. The Dharmashastras recommended severe punishments for violations, including death for the lower caste man and mutilation, physical punishment and excommunication for the offending woman.²

KALIYUGA AND THE FEAR OF SUBVERSION

There is thus a close connection among class, caste, gender and the state laid down in the religio-legal texts of brahmanic Hinduism. Kaliyuga, as mentioned earlier, the ultimate brahmanical vision of a dystopia when the normative structure is upturned, is typically a time when women and the lower castes do not perform their duties and there is the dreaded mixing of castes. As detailed in the fourth or fifth century A.D. text, the Bhagavad Gita, kaliyuga is a time when *families are broken, rites are forgotten, women are defiled* and from this corruption comes the mixing of castes.³ As we can see, the fear of miscegeny elaborated in the varnasamkara of Manu, and the attempts to prevent its occurrence by placing the ideological ban on it continued to be a concern through the early centuries of the first millennium A.D.

From the textual evidence it is clear that while advocating conformity, the brahmanical texts are a powerful admission of the power of non-conforming women, or the power of all women to *not* conform, and thus to break the entire structure of Hindu social organization. For when women are corrupted all is lost. In the brahmanical texts it is clear that the upper caste woman is the object of 'moral panic'. Through the recalcitrance of women, the established property and status order, sought to be established and then consolidated by the repeated invocation of the need for the lower castes and women to conform to the brahmanical injunctions, can be subverted. To prevent such a contingency women's sexual subordination was sought to be institutionalized in the texts and enforced by the power of the state/king. As Gerda Lerner has shown in the context of Mesopotamia, here too women's cooperation in the system was secured by various means: ideology, economic dependency on the male head of the family, class privileges and veneration bestowed upon conforming and dependent women of the upper classes, and finally the use of force when required (see Chapter 9).

Given this structure, the honour and respectability of upper caste men are regarded as protected and preserved by women who therefore must be closely guarded and whose sexuality

is stringently monitored. Upper caste women are regarded as the gateways—literally points of entrance into the caste system (see also Chapter 3). (An extreme example can be seen in the case of the Kotai Pillaimar women of Tamil Nadu who virtually live inside a fortress and never go out; only their men go out of the gateways of the fort.⁴) The lower caste male whose sexuality is a threat to upper caste purity has to be institutionally prevented from having sexual access to the women of the higher castes through an effective system of surveillance and seclusion. Violations of pratiloma in particular continued to be punished until recent times by excommunication and ritual death, and even with the drowning of the mother and child, according to Yalman's field-based information. It was necessary, therefore, to secure the upper caste woman's compliance to this situation which came to be ensured through the production of consent—through the powerful ideology of *pativrata* and *stridharma*, on the one hand, and the application of coercion by male kinsmen and/or by the king or state on the other.⁵

CONTROL OF FEMALE SEXUALITY

We have already encountered in Chapter 3 the emergence of stratification and the evidence for an increasing control over women's reproductive potential by the king on the one hand and by the head of the household on the other. Here we will elaborate the mechanisms by which women's sexuality was sought to be controlled. The shift to an agricultural economy and the second urbanization between B.C. 800 and B.C. 500 were marked by the emergence of class divisions and an incipient though as yet tentative attempt at caste-based hierarchies. The brahmanas, as a group, were a force to reckon with as they staked a claim to the ritual and ideological leadership of society, even though this was being challenged at least by some segments of society. However, while birth-based hierarchy was not yet in place, patrilineal succession and the emergence of private control over land was already in place. We can also see a more defined contour of the family in the early Buddhist texts (B.C. 600–B.C. 300). Some of these elements are outlined in the Buddhist origin myth where the institutions of private property, the family, a simple form of occupational and social

divisions and an archaic contractual state are represented as emerging simultaneously from an earlier stage of primitive existence. These changes—the collapse of an earlier tribal/clan-based society and polity in the post-Vedic period, and especially the establishment of private control over land—held and transmitted within a patrilineal succession system, accompanied also by patrilineal succession to kingship—meant that the sexual behaviour of certain categories of women needed to be not only under male control but also closely guarded.⁶ Within the category of women, wives in particular were to be under male control and this view finds explicit mention in the *Apastamba Dharmasutra* (II.6.13.7) dated from circa fifth to third centuries B.C., which ruled that the husband should ensure that no other man goes near his wife lest his ‘seed’ gets into her.

The emergence of a patrilineal succession system and of private property was the context where a sharp distinction was required to be made between motherhood and female sexuality. The latter was to be channelled into legitimate motherhood within a tightly controlled structure of reproduction to ensure patrilineal succession: by restricting mating only with one man. Once the caste system was being consolidated, mating had to be restricted only to prescribed partners in order to secure caste purity. Motherhood itself was idealized and ritualized, and numerous rituals were prescribed, starting with marriage, going on to conception, and then to the birth of the ‘son’, to ensure safe delivery of the male child. These have been detailed and analysed by Sukumari Bhattacharji.⁷ As mothers, women were worthy of worship. As Manu puts it: ‘Women were created for the express purpose of giving birth, hence they are worthy of worship, the light of the house’ [X.26]. To make the transition from wife to legitimate motherhood, female sexuality had to be ‘managed’ to secure the goals of social reproduction. Therefore a crucial question for us to pursue is: in whose hands did the management of female sexuality come to reside? Further, did, or do, women participate in this process of management?

It is in this general context that the essential nature of women came to be identified with their sexuality, although it may not always have been directly or explicitly associated as

such. At a general level the 'innate' nature of women was represented as sinful. According to the *Mahabharata* (XIII.38.30) women have been sinful from the very beginning when the creator first made the five gross elements, and he gave shape to men and women. At the time of creation the original Manu (IX.17) allotted to women the habit of lying, wasting time, an indiscriminate love of ornaments, anger, meanness and treachery, and bad conduct. As early as the *Satapatha Brahmana* it was held that a woman, a sudra, and a crow are the embodiments of untruth, sin and darkness. Even the *Ramayana* associates most women with being essentially weak and sinful. According to Kaushalya women do not care for a good family, good deeds, or wisdom, and their hearts are ever inconstant. The sage Agastya states in the *Ramayana* (III.13.5) that it has been women's nature ever since creation began to cling to a man only when he prospers and desert him when things are difficult. Their fickle natures are modelled on flashes of lightning. According to an eighteenth-century brahmana commentator on Manu, one reason for the 'innate' impurity of women is that women became recipients of the guilt of brahmicide, the heinous sin of killing a brahmana, along with the earth and trees, which was shifted upon them by Indra when he killed Visvarupa. Thus women became impure, and menstruation, according to this myth, was associated with women's participation in brahmana murder. It is the mark of their innate impurity and at the same time of their innate sexuality.⁸

The congenital fickleness of women is especially pertinent to the problem of managing the overflowing and uncontrollable sexuality of women. They are likened to kings, and creeping vines, in that they will embrace whatever is beside them. They are adulterous by nature and insatiable: according to a story in a *Jataka* (I.155), 'as greedy cows seek pastures anew, women [unsatiated], yearn for mate after mate.'⁹ The notion that the essential nature of women is vested in their sexuality is dealt with most explicitly and directly by Manu, the most systematic of brahmana ideologues. After ruling that women must be guarded day and night, regardless of their age, Manu gives us the reason for this surveillance. He argues that by carefully guarding the wife, the most important category of women for him, a man preserves his family, his lineage, the purity

of his offspring, and his means of acquiring merit. Further, after his wife conceives, the husband becomes an embryo and is born again of her; Manu states, 'that is the wifeness of a wife'. In order to keep his offspring pure, Manu enjoins the husband to guard his wife so that his 'future', that is, his progeny, is not denied to him. It is women's nature which requires them to be so thoroughly restrained. These are some of the stereotypes he creates:

Women do not care for beauty, nor is their attention fixed on age; thinking that it is enough if he is a man, they give themselves to the handsome and the ugly.

Through their passion for men, through their mutable tempers, through their natural heartlessness they become disloyal towards their husbands, however carefully they may be guarded (IX.15-16).

In such a situation what can be done to curb the innate promiscuity of women? Manu lays down the means whereby women can be contained:

Knowing their disposition, which the lord of creatures laid on them at creation [that is, their reproductive power] every man should exert himself strenuously to guard them (IX.15-16).

The crucial place occupied by the wife in the whole system of perpetuating the social order and enabling men to gain immortality through their sons is explicitly articulated by Manu:

The production of children, the nurture of those born, and the daily life of men, of these matters the wife is visibly the cause.

Offspring, the due performance of religious rites, faithful service and heavenly bliss for the ancestors and for oneself depend on the wife alone (IX.26-27).

In sum, it was the recognition that men were dependent upon women to perpetuate the social and moral order of their making that led them to confront the 'problem' of women's sexuality. Reproductive power was the one power that women still held in the new structure of relations in which they were subordinated and one way of dealing with this resource in the

hands of women was to simultaneously exaggerate and treat women's 'innate' nature as terribly dangerous. The exaggerated and uncontrolled sexuality of women was portrayed as posing a threat. Thus the normative, as well as the narrative literature of ancient India, is full of references to the inherent 'wickedness' of women and their 'insatiable' lust. For example, the aged female ascetic Astavakra is made to say in the *Mahabharata* that there is no greater delight, or destructive urge, for women than sex, that even old women are consumed by sexual passion, and that women's sexual desire can never be overcome in all the three worlds! (XIII.20.59–60)

STRISVABHAVA AND STRIDHARMA: THE PLACE OF IDEOLOGY IN MAINTAINING STRUCTURES OF REPRODUCTION

An interesting facet of women's innate nature—called *strisvabhava*, unlike the innate natures of other subordinated groups like the sudras, was the representation of conflict between the innate nature of women and their dharma. The innate nature of the lower castes was in harmony with the dharma prescribed for them by the brahmana law-givers—that is, giving of service to the brahmanas. The *strisvabhava* of women—their innate nature as sexual beings—was in conflict with their *stridharma* of fidelity to the husband. In sum, their *strisvabhava* was constantly enticing them away from their *stridharma*. Significantly, some myths explicitly suggest that a 'demonic' *strisvabhava* was the maternal heritage of women whereas the *stridharma* or the duty of women was their paternal heritage, given to them by the brahmana priests.¹⁰ *Stridharma* was necessary to tame women's sexuality and transport women from the realm of a wild untamed nature to that of an orderly world of culture. Such references perhaps suggest that the original attitude of prehistoric societies to the reproductive power of women, where their sexuality was accepted as an inherent part of their being, and had not posed a problem, had over the centuries been overlaid by a system that required stringent controls. Women's sexuality—their essential natures, their maternal power—had to be organized and ordered by paternal power in the emerging class-/caste-based societies to serve the new social and political arrangements organized by men of the dominant sections of society.

Women's general subordination was essential at this stage because it was only then that the mechanism of control upon women's sexuality could actually become effective. Both in terms of economic autonomy, through a denial of control over productive resources, and autonomy in law, women were made appendages of men. Indeed women themselves were the property, both in terms of their reproductive and their productive labour, of men. Even in terms of the performance of the major domestic rituals women did not have autonomy—they were part of the domestic rituals but could not perform rituals by themselves or for themselves. Only fasts for the benefit of their husbands, sons or brothers were to be undertaken by them on their own. The general subordination of women was thus the basis of the specific controls that the patriarchal structure placed upon them.

The mechanism of controls operated on women through three devices and at three levels: the first was ideology; the second was the right to discipline and keep women under control granted to their kinsmen; and the third was the power of the king to discipline and punish them for their errant behaviour. The ideological level of effectuating the control of women was made possible through the schooling of women in *stridharma* or *pativrata* *dharma*; wifely codes were internalized by women who attempted to live up to the idealized notions of *pativrata* constructed by the ideologues of society. In the case of upper caste Hindu society, the design of the patriarchal class-caste structure was mapped out by the *brahmanas*. *Pativrata*, the specific *dharma* of the Hindu wife, then became the ideology which women accepted, and even aspired to, chastity and wifely fidelity as the highest expression of their selfhood.

The success of any system may be seen in the subtle working of its ideology and in that sense the *pativrata* concept can be regarded as a masterstroke of genius of the Hindu normative order as expressed in its cultural values for women. It was one of the most successful ideologies constructed by any patriarchal system, one in which women *themselves* controlled their own sexuality and believed that they gained power and respect through the codes they adopted. *Pativrata* may be regarded as the ideological 'purdah' of the Hindu woman as chastity and wifely fidelity came to be regarded as the means to salvation;

it was also the means by which the inequitable and hierarchical structure was reproduced *with the complicity of women*. The actual mechanisms and institutions of control over women's sexuality and the general subordination of women were thus completely masked: patriarchy could then be more firmly established as an ideology since it came to be 'naturalized'.

It has been argued that the *stridharma* or the *pativrata-dharma* was a rhetorical device to ensure the social control of women; it was an ideological mechanism for controlling the biological aspects of women. According to Manu and later commentators, as discussed earlier, women as biological creatures are representatives of a wild or untamed nature. However, through the *stridharma* the biological woman can be tamed and converted into woman as a social entity. The wicked and untamed nature of the woman can be subordinated and conquered by the virtue of the ideal wife. Once the tension between nature and culture is resolved women can emerge triumphant as paragons of virtue. From the brahmanical texts and mythologies it is apparent that ultimate social control is achieved when the subordinated women not only accept their condition but actually regard it as a mark of distinction.

The importance of mythologies cannot be underestimated in the formation of the *pativrata* ideal. While Manu is quite straightforward about the need for women to be under control—in childhood under the father, in wife-hood under the husband and in widowhood under the son—the mythologies are more subtle in the ways they work. The *Ramayana* is the most ideologically coherent of normative texts composed in early India which created role models for men and women. There are idealized brothers and sons in the text but the most powerful and long-lasting of these ideals is that of Sita, the long-suffering, patient, loving and faithful wife of Rama. The Sita ideal was the crystallization of the *pativrata* norm in the persona of a beautiful and dutiful wife, the chaste and passive embodiment of womanhood in Hindu mythology, which circulates even today. When a woman worships her husband as a veritable God she is so well guarded that there is no danger to her chastity except from an 'outsider'; however a woman's virtue can ensure her chastity even in the most dangerous situation. Sita is pure and unblemished even while she is in

the custody of another man. When accused unjustly of being impure by Rama, Sita had invoked Agni, the God of Fire, to prove her virtue. Agni then gave visible proof of her fidelity by taking her through her ordeal and bringing her out without burning her, and then declaring her to be sinless and pure. After the *agnipariksha*—or the ordeal by fire—Rama accepted her. It is significant that Rama states publicly that Sita was protected by her own chastity, that just as the shore cannot be overcome by the sea, Ravana could not overcome Sita, and thus there was no stain on her character—she was the purest woman in all the three worlds.

There are other powerful models of wifely virtue and the power that the virtuous woman gains through her devotion: Arundhati can stay the motion of the sun, Savitri can win back her dead husband from Yama, the God of Death, and Anusuya can transform evil men with lustful desires into babies and so keep her virtue.

But the myths also tell us what happens to errant women who are not capable of sustaining their devotion to their husbands. Renuka, the wife of the sage Jamadagni, was a virtuous woman to start with. She was so chaste that she could mould mud bowls out of wet mud and carry water in them for use by her husband. One day she chanced to see the image of a passing gandharva flying overhead and thought to herself, 'How handsome he is.' This was enough to destroy her unblemished record of devotion to her husband and that day she could not mould the clay bowl to carry water for her husband. The enraged husband ordered their son Parshurama to cut off his mother's head, which the obedient son dutifully did. When women are chaste, they guard themselves and require no overt coercion to remain devoted to their husbands as the pativrata ideal works to ensure their chastity; when they are errant, force can be used by kinsmen to keep woman firmly within their stridharma as defined by men.

Popular literature such as the Buddhist *Jataka* tales reiterates the social sanction for the use of violence by kinsmen to keep women in control. The brahmanical texts too state that the best guarded woman is the woman who controls herself. But if women erred then law and custom must ensure that women were kept under the control of the patriarchal kinship

network. Manu enjoins that day and night women must be kept in dependence (and be well guarded) by the males of their families. If they are not guarded they bring ruin to two families, the one into which they are born and the one into which they are given. Special responsibility is placed upon the husband who is represented as most vulnerable to the loss of his progeny through the infidelity of the wife. Considering it the highest duty of all husbands of all castes, Manu enjoins that even the weak man must strive to guard the wife. Other texts also state that the wives of men of all castes must be guarded more carefully than wealth. The authority of male kinsmen is backed by the potential right to use coercion and physical chastisement against women who violate the codes laid down for them. This was the second level and second mechanism by which women's sexuality was sought to be controlled.

But what if husbands and other kinsmen did not succeed in bringing women to heel? The structure of social rules also provided for a third level of control to ensure the perpetuation of the patriarchal structures: the king was vested with the authority to punish errant wives. The patriarchal state of early India viewed adultery as one of the major crimes in society along with theft as the other major crime in society. Adultery itself was considered a violation of a valued resource owned by men—in particular the husband. A reference in the *Jatakas* states that damages could be sought from the adulterer for injury done to the 'chattels' under the custody of another. And even before the archaic state emerged as a more fully completed structure, the clan or the community to which a woman belonged had the authority to punish the 'errant' wife, even with death. Violence is thus intrinsic to the working of patriarchal norms and there is evidence for it from very early times. Women's impulses can be contained through a recourse to intimidation—the threat of using force, or its actual use; the euphemism for 'impulse' control in the *Arthashastra* (III.3.7–10) is the 'inculcation of modest behaviour'. The text both regulates physical chastisement and permits it in a variety of situations. In the most normative of texts, the *Ramayana*, Lakshmana mutilates Surpanakha for her sexual overtures to the princes of Ayodhya: the cutting off of the nose is a

metaphor for genital mutilation and is often repeated even today to punish women for what newspapers routinely report as acts of 'disobedience'.

In keeping with the requirements of a caste-based society, the most reprehensible cases of adultery are when women have sexual relations with men of the lower castes. Manus reserves the highest punishment for the wife who violates the duty to her lord, though she is aware of his greatness: she is to be publicly humiliated. The king was thus upholding the existing structure of relations pertaining to land and the caste order. The purity of women ensured the purity of caste and thus of the social order itself, not just in the existing society but into the future too. The archaic state was both a class/caste state and a patriarchal state: a close linkage existed between caste, class, the state and patriarchy. Together they provided the structural framework of institutions within which gender relations were organized.¹¹

To sum up, the structure of social relations that shaped the dominant/hegemonic model of gender, and of caste, in early India was consolidated and reproduced by achieving the compliance of women. We should note that the compliance itself was produced through a combination of consent and coercion, as seen from the discussion. While the elaborate rules of normative literature and the descriptions in the narrative literature indicate a failure of brahmanic ideology to produce the real consent of women to 'brahmanical patriarchy', thereby requiring a recourse to coercion, the values of the caste system were apparently 'accepted' by both men and women of the upper castes. Women's perpetuation of the caste system was achieved partly through their investment in a structure that rewarded them even as it subordinated them, especially subjecting their sexuality to stringent controls. That they too subscribed to the ideology of the caste system is suggested by a *Jataka* story (vol. 4, no. 391) where two upper caste girls ran to wash their eyes when they sighted two 'low caste untouchable' men. All the anxiety displayed by the early normative texts to monitor the sexuality of women would become somewhat unnecessary once women became fully complicit in the larger structure that subordinated them but subordinated many others too, both men and women. While the total control of

the sexuality of women was never fully achieved in *practice*, at the ideological and normative level the theoretical premises of brahmanical patriarchy have been accepted widely. And not just by men but by women too, as was clear from the upper caste women students who protested against the effects of the Mandal ordinance on their marital chances of getting suitable partners from their own castes.

As pointed out earlier, the caste system has expanded in a slow, uneven manner into many regions; in each region the local specificities, ecological features, nature of populations drawn into the caste structure and the particular mode of production have shaped the caste practices of that region. The multiplicity of caste practices are a consequence of the interaction between communities and the dialectics of the situation on the ground in each region. In this sense the celebrated flexibility of 'Indian' society and the caste system can be understood in a different way: as the vitality of the local cultures which refuse to be erased by the larger social forces that may come to dominate their region. Despite this vitality the broad features of the caste system and its linkage to gender relations, especially to endogamous marriage, linking up occupation, labour and ownership of material resources, perpetuating caste and class—in other words acting as the basis of social reproduction—came to be extended into the new areas being drawn into the structure of caste relations. Hierarchy, and its elaboration, thus came to inform the local arrangements of both political and economic power. Over the centuries the caste system then came to define social relations in the subcontinent of India.

NOTES

1. Nur Yalman, 'On the Purity of Women in the Castes of Ceylon and Malabar', *Journal of the Royal Anthropological Institute of Great Britain and Ireland* 93 (1962): 25–28.
2. This chapter draws heavily from my earlier work, Uma Chakravarti, 'Conceptualising Brahmanical Patriarchy in Early India: Gender, Caste, Class and the State', *EPW* 27, 14 (3 April 1993): 579.
3. *Ibid.*: 580.

4. Kamala Ganesh, *Boundary Walls: Caste and Women in a Tamil Community* (Delhi: Hindustan Publishing Corporation, 1993).
5. Chakravarti, 'Conceptualising Brahmanical Patriarchy,' pp. 579-85.
6. Ibid.: 581-82.
7. Sukumari Bhattacharji, *Women and Society in Ancient India* (Calcutta: Basumati Corporation, 1994), pp. 16-41.
8. Ibid.: 266.
9. *Jatakas* are fables of the former births of the Buddha in a variety of forms, including animals such as lion, monkey, and so on, that reveal the social beliefs and customs of their times. In chronological terms, however, the fables were written much later (ca fourth century A.D.), whereas the Buddha's lifetime was ca sixth century B.C.
10. Julia Leslie, *The Perfect Wife: The Orthodox Hindu Wife According to the Stridharmapaddhati of Tryamba-kayajavan* (Delhi: Oxford University Press, 1989), p. 251.
11. The preceding paragraphs are also drawn from my article, 'Conceptualising Brahmanical Patriarchy'.

The Diversity of Patriarchal Practices

An aspect of the existential order of the caste system, in distinction from its normative order, outlined mainly for the uppermost castes, is the variety of practices 'permitted' or 'tolerated' and even 'enforced' by Hindu society. As pointed out earlier, the range of practices of different castes can be, and are, themselves placed in a hierarchy within the larger pyramidal structure of the caste system. The most valued attributes are associated with the top and the least valued attributes with the lowest rungs of the caste system. Among the key elements that distinguish these rungs are occupation and foods eaten—in terms of pure and impure—and marriage practices in terms of the most tightly controlled sexual practices—the highest forms of rituals and sacraments for the uppermost castes, and the more 'flexible' practices for the lower castes. The tight control of the sexuality of women of the upper castes is an aspect of the larger 'rationale' of pure and impure. The pre-pubertal marriage of upper caste girls so that the unpolluted womb of the wife was the sexual property of the husband before she began to menstruate, immediately after which the *garbadhanam* or consummation ceremony would be completed, were necessary elements in the notion of caste purity. Among the most noticeable markers of the many differences between the upper castes and the lower castes observable today, and to an extent documented from pre-colonial and early colonial times, relates to widowhood. Although we cannot be sure how old these differences are,

especially in relation to marriage practices, the acceptance of customary practices in the brahmanical texts and the continuing references to it in texts of the medieval period, as well as the writing of caste *puranas*, would suggest that diversity of marriage practices was a running tradition. We can therefore use the contemporary differences to underline a structure within which the diversity of practices can be understood and we will use recent feminist scholarship to do so.

WIDOWHOOD

Widowhood in India among the uppermost castes was traditionally, and until quite recently, a state of social death. The widow's social and civil death stemmed from her alienation from reproduction and sexuality, following the loss of her husband and her exclusion from the functioning social unit of the family. Once the woman ceased to be a wife, especially a childless wife, she ceased to be a person; she was then neither a daughter nor a daughter-in-law. The problem of the widow in the brahmanical structure of patriarchy was that since the wife had no social existence outside of her husband, and her relationship to him was underlined by her role in reproduction, then as a widow who or what was she? Ideally the chaste woman would cease to exist at the death of her husband by joining her husband on the funeral pyre but if she did not become a sati she came to be institutionally marginalized: while she was physically alive she was socially dead. Girish Kasaravalli's film *Ghatashraddha* (1977) captures the widow's cruel predicament.

In contrast, the lower caste widows did not suffer social death; apart from differences according to caste there are wide regional variations in widow remarriage practices. Among castes like the jats in Haryana and the marathas in western India, and in many other intermediary castes across India, a secondary marriage with distinctive rituals was permissible. In the case of the jats, custom enjoined an enforced cohabitation in a levirate union with the brother-in-law of the widow.¹ The loss of a husband among the jats did not create the kind of panic and fear as it did among the upper caste women. Whereas the upper caste wife at the time of the marriage rituals, and thereafter throughout her life, would be blessed with

the hope that she would remain a sumangali all her life—that is, she should die before her husband—the mother of a jat bride could, according to folklore, thus say quite nonchalantly to her daughter at the time of marriage:

*Aaja beti le le phere,
Yo margaya to hor bhatere.*

*(Come daughter, take the marriage rounds,
If this one dies there are many more.)*

Similarly, among the lowest castes studied by Pauline Kolenda in Uttar Pradesh, the marriage practices were a total contrast to the rajputs of the same village.² While enforced widowhood was the norm as well as the practice for the rajputs, enforced cohabitation was the rule among the 'untouchables'. From Kolenda's material, it is fairly clear that these differences were caused by differences in relation to production: chuhra women do the jajmani work of the caste just as jat women do a whole range of agricultural tasks on their fields as well as all the household work. Jat society values an expansion of the family through the birth of many sons as that means many more hands to work. The practice of levirate or secondary marriages for widows among many castes associated with agriculture or other kinds of work is thus not so much a recognition of her sexual needs but an arrangement to utilize the productive and reproductive labour of widows. While maintaining land structures intact for the patrilineal household, levirate marriage among the jats and other servicing castes ensured the full reproductive potential of a woman to provide for the maximal replenishing of the labouring and servicing castes.

'GRADED' PATRIARCHIES

At the same time, the differential mating patterns also helped to maintain the distinctions between castes. In Chapters 7 and 8 we will see that the upper castes did not allow the lower castes to give up the practice of widow marriage and adopt the marriage practices of the higher castes. The insistence that each caste should observe 'its own' customs ensured that they continued to maintain their privileged high ritual status. It was also a means by which the upper castes manipulated and controlled

the demographic structure of all the castes whether high or low. Manu's condemnation of levirate marriages as fit only for 'cattle and the sudras' had a dual purpose: the reproductive practices of the labouring castes/classes were simultaneously castigated and utilized—multiplying cattle and those who must labour for others was quite consistent with the brahmanical caste order. Not only did different practices serve to legitimize the hierarchy of the caste system, it also established a firm demographic basis for production relations—the labouring base was wide and the land and ritual controlling top was narrow, much like the varnasamkara model discussed in Chapter 3. Patriarchal formulations for women of the high castes and women of the lower castes were structurally integrated into the ideology and the material relations of the caste system.³

The apparent difference in widow marriage and widow mating patterns between the high castes and the low castes can lead to the conclusion that there were different patriarchies according to the respective caste status of a group. We might even argue, and with justification, that as Ambedkar had pointed to caste as a system of graded inequalities, we should note that patriarchies in the subcontinent were contained within a larger system which was graded according to caste. The differences were arranged according to a conceptual grid—that of brahmanical patriarchy. Despite major differences of practice in relation to women, brahmanical patriarchy, as we have outlined here, was a single framework which linked caste, gender, land control and demography together. It held within its ambit both the brahmanized upper castes and the less brahmanized middle and dalit castes.

Other marriage patterns, practised locally like nair matriliney can also be seen as existing within the larger material and ideological structure of the caste system; the diversity of cultural practices was structured such that the hierarchical order was scrupulously maintained. Many castes practise hypergamy where a lower caste woman is married to a higher caste man, enabling the woman's caste to move up gradually in the hierarchy. For example, in the past, nair women entered into *sambandham* (non-marital) unions in Kerala with namboodiri men (the namboodiris were the highest caste in Kerala). This was a convenient arrangement for the namboodiris. The children of

these unions were incorporated into the mother's household as the nairs were matrilineal, and thus the namboodiri fathers were absolved of responsibility towards their children by nair women. At the same time, it was believed that the ritual quality of the blood of the nairs was enhanced through such an institutionalized mechanism for upward mobility.⁴

Apart from such marriages, upper caste men have had sexual access to lower caste women, an aspect of the material power they have over the lower castes. Thus while a lower caste man's alleged, or actual, sexual relationship with a 'higher' caste woman causes hysteria, and brings swift and violent retribution upon the lower caste man, and often on both persons,⁵ as we shall see in Chapter 9 and the Afterword, the upper caste man's casual or continuous use of a lower caste woman is naturalized. Fairly early on a 'black' woman was regarded as the natural object of desire and pleasure. In early literature masters of dasis used the sexual services of women in servitude apart from using their labour. This is a practice that has continued through the centuries. Women of the lower orders were not regarded as *grihinis*, or family women, as women of the upper castes were, since even their children could be denied to them by their masters.⁶ A late medieval text from Kerala, the *Kerala Mahatmayam*, attributes a succinct articulation of the self-serving position of the men of the upper castes to Parshurama: according to him, 'as for the wives of the brahmanas and other dvijas, let the rule of chastity stand in regard to them; with other residents let there be no rule of chastity.'⁷ As the sexual availability of lower caste women was part of the material structure of domination by the higher castes, it was something that both men and women of the lower castes were forced to accept. In Rajasthan it was customary for the rajput bride to enter her affinal household accompanied by a daroga woman who would also be married to a daroga man in the same village; she worked in the mistress's household but was also expected to provide sexual services to the rajput men of the household. Children of these relationships if born of semi-permanent unions, that is, of concubinage, formed a distinct caste called *khoswal rajputs*. While such provisions were made for upper caste men's occasional or more regular relationships with lower caste women, the reverse was not even

envisaged by the caste structure. So there are no provisions for such unions in contemporary caste practices.

Nevertheless, despite the wide range of marriage practices according to caste, we need to remember that this diversity does not in any substantial way weaken the endogamous basis of marriage in Hindu social organization. The structure provides for marriage within the endogamous caste unit for the primary marriage and leakages in the system pertain mainly to secondary unions or liaisons which are tolerated or permitted if they are between a higher caste man and a lower caste woman. These are congruent with the power of some men over others according to their class and caste locations, and of men over all women; the patterns of marriages within the caste system upholds the structures of class, caste and gender stratification.

DALIT PATRIARCHY

It is important at this point to look at the relationship of men and women within a caste group, especially at the way patriarchies function internally in terms of diversities of practices.

Kancha Ilaiah Shepherd has pointed out that the possession or non-possession of material resources, in particular, in the form of property makes for fundamental differences between lower caste women and upper caste women. Since the lower castes by and large do not own property, all dalit families have to labour; this includes women and even children. These in-built structures, according to Ilaiah Shepherd, shape the manner in which dalit women are thoroughly integrated into labour systems and have a strong work ethic. Upper caste women on the other hand have no function outside reproduction—and are thus reduced to the single axis of providing sexual labour. Their domestic management is, however, crucial for the maintenance of purity norms and the avoidance of pollution, essential for sustaining upper caste status. Their household labour is gruelling but is not recognized as productive labour. For dalits, labour is central to their existence—but is devalued by the caste system. Ilaiah Shepherd argues that what is required to end the oppressions of the caste system is that all castes, upper and lower, should be dalitized. That is, all should labour and thus the inequality inherent in the system of differential labour will have no basis thereafter.⁸

Other dalit thinkers have also argued that women are less oppressed within the dalit castes because there is less of the burden of the pativrata ideology among dalit women who do not regard their husbands as 'honoured' beings who must be respected at all times. Upper caste women's own respect is derived from the respectability of their men, whereas dalit women have less of a derivative position. Codes of izzat—honour, respect and shame—imply further that upper caste women cannot really reveal the experiences of oppression that they may have to live with. Such codes of maintaining a discreet silence, no matter what is happening inside the family, do not have the same bearing among dalit women. However, it is not as if patriarchies do not exist among the dalit castes, or that dalit women do not have to struggle against the patriarchies within their own communities. In the words of Swaroopa Rani

*When has my life been truly mine?
In the home male arrogance
Sets my cheek stinging,
While in the street caste arrogance
Splits the other cheek open.⁹*

Whatever might have been the differences between dalit women's experience of patriarchy and that of upper caste women, the process of Sanskritization or 'jatikarana'—intensified castification—led to upper caste norms and upper caste patriarchal practices percolating into the lower caste ranks too. Dalit women experience patriarchal oppressions in unique as well as in shared ways. Given that the oppressions of both caste and patriarchy mark the lives of dalit women in particular ways, it is not surprising that this situation has led dalit women to take the position that they need their own women's organization. In furtherance of this objective the Dalit Women's Federation, a national-level organization, was set up in the 1990s.

THE DEVADASI AND HER SOCIAL LOCATION:

THE INTERSECTION OF RELIGION AND CASTE

An aspect of patriarchal arrangements that accompanies the structures of reproduction in any society is the institution

of prostitution. Prostitution makes it possible for a man to avail of pleasure at his convenience from a woman whom he recompenses with money or gifts. There are many variations within prostitution, especially in early social formations which include ritual prostitution associated with the temple or with sacral duties. In India the devadasi system developed as an adjunct to temples and survived in parts of South India and Orissa into the twentieth century. What is of significance is the relationship of the devadasi system to caste.

The devadasi, a girl who was dedicated to the temple and became a dancer, occupied a high ritual status within the temple. She was married to the deity of the temple at which she performed and could thus never be a widow—this status as a *nityasumangali* made her an auspicious figure and accounted for her high status.¹⁰ She owned land in her own name and passed it on in the female line and could adopt a girl to continue the line as well as her functions in the temple in case she failed to have a child. Though she was married to the God of the temple she had patrons who would be her sexual partners. What is significant is that the devadasi belonged to a particular non-brahmana but not untouchable caste and all the men of the caste to which the devadasi belonged also performed functions such as drumming or playing of musical instruments at the temple.

Because the devadasi invariably belonged to a non-brahmana caste, when the move to abolish this system was made in the early twentieth century in Tamil Nadu, the debates around it inevitably featured its caste dimensions. The Non-Brahman movement under Periyar regarded it as an exploitative system to be seen within the caste system because no brahmana woman became a devadasi. On the other side many brahmanas wanted to retain the system as an aspect of culture and the traditions of a region. Periyar then said that if the brahmanas considered the tradition so important why did they not just send out *their* women to be devadasis. In his view the brahmanical system had forced the devadasi as a sudra woman into sexual slavery: she was a reminder of an original dishonour whose effects had scarred the sudras and consigned the devadasi to a perpetual and ritual degradation. She represented the quintessential sudra woman, ordained to

serve the upper castes. The injustice wrought upon her needed to be redeemed and set right. Muthulakshmi Reddi who belonged to a devadasi family, and was a doctor and a member of the Madras legislative assembly, supported the move for its abolition.¹¹ Since this move for abolition took place in 1929 long before the full scale concern with patriarchy/ies and its relationship to sexuality as well as property structures was developed by feminists in the post-1980s, the bill abolished both the devadasi system and also the property structures by which the temples had provided for the devadasi. Marriage then became the only institution that would provide for the women of the community.

In other parts of South India at various temples poor low caste women are often dedicated to the temple after a sign marks them off from other women. Thereafter they also become prostitutes who serve their clients as others might without the 'distinction' of being dedicated. These temples have not had the aura of cultural distinction or auspiciousness that the devadasi had; in a sense there was a caste/class distinction even within the practice of dedication to a temple. What is significant is that when the reform of the devadasi system was being pursued no one paid any attention to the low caste basavis, and jogtis associated with various cults of sacred prostitution. A recent work by a young feminist has pointed to the caste and class dimensions of different patterns of sacred prostitution.¹² Recently in a sharp piece of writing Swaroopa Rani captures the rawness of the basavi tradition where poor low caste girls are dedicated to temples, who then serve as prostitutes for the entire community. Swaroopa Rani is scathing in her critique of the custom and its inglorious 'history'—a history that has been erased by historians:

*My fame was that I
Was recognized as a whore
Even as a new born babe.
My story should bring
The head of this civilisation
Low into the depths of hell.
In which chapter of the volumes
Of the famous history of your country
Do you intend to write it?*¹³

Swaroop Rani's question about the writing of history is still to be answered, a task women's studies students will need to take up in the future.

NOTES

1. Prem Chowdhry, *The Veiled Women: Shifting Gender Equations in Haryana 1880-1990* (Delhi: Oxford University Press, 1994).
2. Pauline Kolenda, 'Widowhood Among the "Untouchable" Chuhras.' In *Regional Differences in Family Structures in India* (Jaipur: Rawat, 1987), pp. 289-354.
3. The preceding paragraphs are drawn from my earlier work 'Gender, Caste and Labour: Ideological and Material Structure of Widowhood.' *EPW*, 30, 36 (1995): 2248-256.
4. Nair matriliney has been discussed in a number of works including K. Saradamoni, *Matriliney Transformed* (Delhi: SAGE, 1999); and G. Arunima, *There Comes Papa: Colonialism and the Transformation of Matriliney in Malabar circa 1850-1940* (Hyderabad: Orient Longman, 2003).
5. Prem Chowdhry, 'Gender and Violence in North India: Enforcing Cultural Codes.' *EPW* 32, 19 (10-17 May 1997): 1019-28.
6. Uma Chakravarti, 'Of Dasas and Karmakaras: Servitude in Ancient India.' In *Chains of Servitude: Bondage and Slavery in India*, edited by Utsa Patnaik and Manjari Dingwaney (Delhi: Sangam Books, 1985), p. 63.
7. Quoted in T. A. Kalyanakrishna Aiyar, 'Marriage among the Malyalis.' *Malabar Quarterly Review* 2, 4 (1903): 328.
8. Kancha Ilaiah Shepherd, *Why I Am Not a Hindu: A Sudra Critique of Hindutva Philosophy, Culture and Political Economy* (Calcutta: Samya, 1996).
9. Challapalli Swaroopa Rani, 'Dalit Women's Writing in Telegu.' *EPW* 38, 17 (1998).
10. I have drawn from the work of Saskia Kersenboom-Story, *Nityasumangali: Devadasi Tradition in South India* (Delhi: Motilal Banarsidass, 1987); Amrit Srinivasan, 'Reform or Conformity: Temple Prostitution and the Community in the Madras Presidency.' In *The Structures of Patriarchy: State, Community and the Household in Modernising Asia*, edited by Bina Agarwal (Delhi: Kali for Women, 1988); and Kalpana Kannnabiran, 'Judiciary,

- Social Reform and the Debate on Religious Prostitution in Colonial India.' *EPW* 30, 43 (1995).
11. V. Geetha and S.V. Rajadurai, *Towards a Non-Brahmin Millennium* (Calcutta: Samya, 1998; rev. ed, 2008); Muthulakshmi Reddi's campaign on devadasi reform is described by Sita Anantha Ramen in *Getting Girls to School: Social Reform in the Tamil Districts 1890-1930* (Calcutta: Stree, 1996), pp. 237-40.
 12. Priyadarshini Vijaishri, 'Patterns of Sacred Prostitution in Colonial South India.' Unpublished Ph.D. Diss. Jawaharlal Nehru University, Delhi, 2003.
 13. Challapalli, Swaroopa Rani, 'Dalit Women's Writing in Telegu.'

6

Critiques of Caste and Gender Stratification

Was there no opposition to the caste system? Surely those who were at the bottom end of such a system would have wanted to find ways to escape or resist their degradation. Indeed, there were. Even as these processes were unfolding, and throughout the centuries when the caste system was proliferating, there were critiques of the caste system and of unequal gender relations. From a number of diverse references we know that not everyone was willing to accept these unequal social relations, and the hegemonic ideology was contested in a variety of ways. The Buddhist tradition kept alive the critique of caste. From a number of *Jataka* stories two may be cited as examples: in one, Punna the *dasi* of a rich household contests the brahmanas' claim to defining rituals. In the other, a *bhikkhu* who was drawn from the 'low' and 'impure' *chandala* caste not only teases a passing brahmana for his obsession with purity but also defeats him in a discussion on the finer points of philosophy. Anti-brahmanism as a way of thinking has a long ancestry as these extracts show.

THE PROUD BRAHMANA

According to the Setaketu Jataka, a famous teacher had a brahmana pupil who was very proud of his high caste status. One day he saw a chandala and, fearing that the wind after striking the chandala's body would proceed to strike against his own body and pollute him, cried out, 'Curse you, you ill-omened chandala! Get to leeward

immediately,' and he quickly went to windward himself. The chandala however was too quick for the brahmana and stood so that the wind would pass his body on the way to the brahmana's body and he thus defied the brahmana. The chandala then offered a 'deal' to the panic-stricken brahmana to end his ordeal. If the brahmana could defeat the chandala in philosophical debate he would change his location. The proud brahmana accepted the offer as he believed that no one, specially a chandala, could defeat him in a philosophical debate. The chandala's question, however, was so well formulated that the proud brahmana could not answer it and had to accept his defeat and publicly acknowledge the superiority of the chandala's intellect.¹

PUNNA, THE WISE DASI

Punna was a dasi who went down to the river to fetch water for her master's family every morning whatever the weather. She found a brahmana also coming to the river every morning and performing ablutions even as he shivered in the cold so she said:

Drawer of water I [go] down to the stream
 Even in winter in fear of blows,
 Harassed by fear of blame from mistresses.
 Brahmana what fearest thou that ever thus
 Thou goest to the river?
 Why with shivering limbs dost [thou] suffer bitter cold?

The brahmana replied that he was trying to wash off his sins and accumulate merit. Punna then replied:

Nay, now, who hath told thee this that water baptism
 From evil karma can free thee?
 Why, then the fishes and the tortoises
 And all that haunt the water
 Straight to heaven will go!
 [But] the water would bear away thy merit too,
 Leaving thee stripped and bare
 To bathe and shiver here.
 That even that, leave thou undone
 And save thy skin from frost.²

Even in her poverty and misery, Punna in a quiet and dignified way demolishes the claims of the brahmanas as a caste to inherent superiority and monopoly over knowledge. Clearly the humbly placed dasi can perform drudge labour as well as think for herself!

In this context the *Vajrasuci* is an important text which documents the critique of caste. Attributed in the popular tradition to the Buddhist monk Asvaghosha—around second century A.D., a documented version of the text is said to go back at least to the tenth century and was kept alive in Maharashtra, in particular, through the Bhakti poets. Later it was an important resource for the non-brahmana movement and even for some of the less radical nineteenth-century reformers in Maharashtra. The *Vajrasuci* took arguments from the Hindu texts to rebut the evaluative characteristics of the brahmanical theory of caste divisions by which the brahmanas claimed the highest status for themselves. It drew upon the older tradition, evident in the early Buddhist texts, in which the Buddha points to the same biological processes of birth for all of mankind and thereby effectively rebuts and dismisses the claims of the brahmanas to inherent superiority.

WOMEN'S PERCEPTIONS OF UNEQUAL GENDER

The Buddhist texts have also provided us with an account of the way women perceived the unequal relations between men and women and sought to achieve an identity outside of domestic roles. Women struggled to enter the sangha against a great deal of misogyny from the Buddha himself as founder of the sangha. However, once they were in, they carved out a niche for themselves despite a gender-based inequality within the sangha at the structural level, the bhikkhunis being placed firmly under the authority of the bhikkhus. Some of the earliest expressions of women's perceptions of the limitations of the roles allotted to them by a patriarchal society are available to us in the poems left behind by the bhikkhunis in the corpus called the *Therigatha*. They make it clear that the search for identity outside domesticity in the case of women goes back to the sixth century B.C. It is not a product of western influences as the critics of feminism like to posit—but a very indigenous and ancient search for a self-identity outside of patriarchal structures. In these poems women spoke of their joy at leaving behind the drudgery of the kitchen, and the brutality of husbands. They also spoke of the space they found for themselves as they entered the sangha and practised self-awareness. Take, for example, this graphic account of a bhikkhuni who

challenges the limitations imposed upon women through imprisoning them in domesticity—in what is called ‘two-finger consciousness’, the capacity to take a grain of rice from the cooking pot between their two fingers and testing whether it was sufficiently cooked. The bhikkhuni chastised Mara, who was mocking at her sitting in meditation and telling her that all she needed was two-finger consciousness (the other consciousness—the ‘higher’ consciousness—was a privilege of the male sage which women were not competent to gain!) with the following retort:

*What should a woman's nature do to them
Whose hearts are firmly set,
Who ever move with growing knowledge in the path?
Am I a woman in these matters,
Or am I a man, or what not am I then?
I seek okasa [literally ‘space’].³*

As we shall see later, entry into the sangha did provide women with an important resource through which they succeeded partially in escaping patriarchal structures; this resource was missing in many of the Bhakti traditions that we will discuss shortly. Where available, as in the Vaishnava cult of Bengal, women continued to use it to critique both caste and gender inequalities.

THE BHAKTI MOVEMENT

A significant challenge to the caste system came through some—not all—of the various strands of the Bhakti movement. Four major regions have witnessed the Bhakti tradition at different periods, spanning what are popularly called the early medieval and late medieval periods: the Tamil region from ca A.D. 700 to 1200 A.D.; Maharashtra from ca 1200 to ca 1700; North India from ca 1400 to 1700 and eastern India from ca 1600 to 1800. There are many differences within these traditions of Bhakti and in varying degrees the bhaktas and bhaktins were drawn from non-brahmana and the lower castes, and/or critiques of caste hierarchies were mounted. All strands of Bhakti provided democratic access to God to people belonging to different segments of society, and this was an important space that opened up for the lower castes and for women. At

least at the level of a deeply personalized faith—that was the essence of the Bhakti tradition—the lowly found a means by which they countered their exclusion from the ritual order and escaped the stigma that they were otherwise forced to live with. For these reasons the Bhakti movement has been celebrated in Indian tradition as an expression of the egalitarian impulses in our society, and it is important for us to recognize this aspect of Bhakti. But there were severe structural limitations too as we can see from the life of Nandanar whom we have encountered earlier. The *Periapuranam* provides a moving account of how he longed to go to the Chidambaram Siva temple but dared not because of his polluting status: each day he postponed it to the next and was nicknamed ‘Tirunalaipovar’—he who would go the next day. One day he actually dared to go, and danced in ecstasy but the priests would not let him enter the temple. As he wept in despair Siva appeared and ordered the priests to let him in through a fire—he got through unharmed into the inner sanctum and disappeared under the raised foot of the dancing Siva. Nandanar achieved equality only in the domain of mythology, not in the real world.

In order to assess the lasting impact of Bhakti in our society and its capacity to *alter the social relations* of caste we need therefore to take a close and critical look at Bhakti. The best way to do this is to examine in depth the Bhakti tradition in one region and we shall do so in the context of Maharashtra. Evidence for the brahmanization of western India, that is, the Maharashtra region, goes back to the first century B.C. but caste as a dominant ideology was not necessarily an uncontested or uniform presence since that time. Thus although the Satavahana kings, first century B.C. to third century A.D., did claim to have stopped the dreaded ‘contamination’ of society through the mixing of varnas and patronized Sanskrit over Prakrit, both Buddhism and Jainism had a strong presence in this region well into the early medieval times. From the twelfth century the attempts of brahmanic ideology to establish hegemonic control are discernible when Hemadri the brahmana chancellor of the Yadava king wrote a text concerned with brahmanic rites. At the same time the tensions between textual prescriptions for upholding caste were undercut by local custom and this tension continued to manifest itself

well into the century. Further the history of brahmanism in the region was accompanied by a strong critique of the caste system in the Bhakti tradition of Maharashtra.

There were two major traditions within Maharashtrian Bhakti: the first was Mahanubhav, which was the earlier of the two traditions and according to Kosambi went back to very ancient primitive communal traditions;⁴ the second was the Varkari tradition, which was concentrated in the cult of Vithoba. The Mahanubhavs were the more radical of the two traditions, prescribed certain codes, made a sharp distinction between the householder and renouncer, as the Buddhists had, and rejected the caste system. The Mahanubhav form of Bhakti was therefore popular among the 'untouchables', and it also admitted women into their renunciate order. In fact, women are said to have outnumbered men in the order, indicating the deeply felt desire to escape the sole role of domesticity that women were allotted in the caste-based brahmanic social order. When doubts were raised by misogynist critics of women in the order, Chakradhar is reputed to have said, 'Why should these women not come here for the sake of religion? Is there any difference between your soul and their souls?' The radical potential of the order brought them under attack and Chakradhar was assassinated in 1274 after Demati, the wife of Hemadri, the powerful brahmana minister of the Yadava king of Deogiri, deserted her husband to join the Mahanubhava order.⁵

The Varkari cult was centred on the seasonal pilgrimage to Pandharpur and according to some scholars was an attempt to blunt the radical critique of brahmanism through a modified devotionism within the boundaries of caste. Ultimately it was the Varkari tradition that survived in Maharashtra and came to be commonly perceived as Bhakti, containing within itself the main features of Bhakti. On the one hand it transformed the ritualistic basis of the worship of Vithoba by an interiorized devotion that transcended the brahmana priesthood. On the other it drew its sants from a wide range of social locations: there were brahmana sants no doubt like Eknath but there were others like Namdev and Tukaram from peasant and artisanal communities. Chokhamela, the most celebrated of the lower caste sants, was a mahar. There were also a number

of women sants: Muktabai, Bahinabai, Soyraibai, Kanhopatra and Janabai. What is significant is that although there are many references to caste and gender discrimination in the abhangas and poems written by these sants, the traditional responsibilities/obligations of the lower castes and women continued as before. Janabai, a dasi, continued to be economically exploited by her master's family even though Namdev, another sant, was the son of Janabai's master. The family was thus part of the Bhakti tradition themselves, and Janabai often signed off her abhangas with the line 'Namdev's Jani says . . .' Thus her identity even in her abhangas remained that of a dasi. Janabai's abhangas tell of Vithoba coming to help her gather cow dung, grind grain, wash clothes and even remove lice from her hair. But as Eleanor Zelliot points out in the midst of all these homely things she also sings poetry of great religious understanding:

Jani says:

*God is within,
God is without,
And moreover there is God to spare.⁶*

While Jani seems to reconcile her labour obligations within her master's household we get a different experience in the example of the celebrated poet Chokhamela, who died performing his labour obligations as a mahar. It was then left to Chokhamela's son Karmamela to carry on the critique of caste as he cried out in agony:

*Are you not ashamed
To have created us low creatures,
Forcing us to eat
The leftovers of others?*

Chokhamela's wife, Soyraibai, Chokhyachi Mahari, as she called herself, echoed the sentiments of the mahars in one of her abhangas. Her words indicate the despair of unchanged social taboos where some are unclean, others regarded as pure. She attempts to recover some space at least in the world of devotion if not in the world of social relations:

*A body is unclean they say,
Only the soul is untainted.
But the impurity of the body
Is born within the body.*

Soyrabai, goes on to ask

*By which ritual does the body become pure?
Not a creature has been born except in a bloody womb.
This is the glory of God,
Defilement exists within.
The body is polluted from within,
Be sure of it says the Mahari Chokha.*

The ambivalences in the transformatory potential of Bhakti in the context of gender relations is as noticeable as it is in the case of caste. Despite a deep engagement with Bhakti, some women like the brahmana Bahinabai who experienced violence at the hands of her husband proclaimed sentiments in the mode of a pativrata in one of her abhangas:

*My duty is to serve my husband,
For he is God to me.
My husband is the supreme Brahma.
The water in which my husband's feet are washed
Is the most holy of sacred waters . . .*

From a different social location, Kanhopatra, the lowly prostitute, also seeks the redemption of God:

*O Lord, I beg you
Keep to your word.
My caste is impure,
I lack loving faith,
My nature and acts are vile.
Fallen Kanhopatra
Offers herself at your feet,
A challenge to your claims of mercy!*

Thus it is clear that the lowly, humble and marginalized proponents of Bhakti while critiquing caste in the domain of religious tradition did not, or were not able to, mount a serious

challenge to the caste system as a *structure of social relations*. Nor were its women devotees able to escape the patriarchal and caste relations of their time, as there was no order for them to escape into. Further, endogamous and compulsory marriage, dominated women's lives except for Janabai the *dasi*, in whose case it was her labour obligations that determined her social identity. Her status as a married or non-married woman is thus not revealed to us. Finally, Ramdas provided the resolution to the caste question in Bhakti in the eighteenth century. A brahmana himself, he restored the superiority of the brahmanas as a group even within Bhakti: his elitist and conservative formulations are evident in his sayings:

Brahminhood ought to be preserved with due reverence.

Making his standpoint even clearer he says:

It would be wrong to bestow upon even the most studious of the untouchables the honour and respect that is due to the brahmanas.⁷

The varnashrama dharma was back even in the Bhakti tradition, and it is this strand that has survived in Maharashtra into the nineteenth and twentieth centuries. An important aspect of the inability of the Bhakti tradition to alter the hierarchical social relations, despite the explicit references to the humiliations experienced by the low caste bhaktas in their abhangas, is revealed in an account of the annual pilgrimage of the followers of Vithoba to Pandharpur provided by the anthropologist Irawati Karve.⁸ She describes how the followers, drawn from different castes, walk together for fifteen days. The brahmana group of pilgrims, of which Irawati was a part, sang the abhangas of Chokhamela in which he drew attention to the inner essence of the devotee rather than his outward lowly form, but they cooked and ate separately from the other pilgrims. The distinctions of caste society thus remained unchanged, and the practices of caste faced no major onslaught, at least in Maharashtra. The caste system as a hierarchy of social groups, each bounded and marked off from the other through endogamous marriages, and the caste system as a form of organizing labour and surplus appropriation was unaffected by the Bhakti cults.

VIRASAIVITE MOVEMENT

Another example of the way the ideology of the Bhakti tradition and the dissenting potential of a reformist tradition was blunted and ultimately came to be absorbed into the fold of the caste system is provided by the Virasaivite or Lingayat saints of northern Karnataka. A number of women strongly marked the Virasaivite movement with their presence and took a radical stance against caste. For example Lingamma, a low caste woman said in one of her vacanas:

*Among the lowest was I born,
Among the highest did I grow,
And held the feet of real sharanas,
And holding them I saw
Guru Linga and Jangamma.*

And Akka Mahadevi said:

*O brothers, why do you talk to me,
Who has given up caste and sex,
Having united with the Lord Chennamalikarjuna?*

Kalavve made an even sharper critique of brahmanism and its curious logic:

*Those who eat cock, fish or parrot
Are regarded as high caste,
But those Madigas who eat beef
Of that cow whose milk is offered
By brahmanas to Siva,
Why are they alone polluting?*

And Bonta Devi drawing attention to the essence of sameness between people at the level of philosophy says:

*Within the village where brahmanas live,
Same shunyata [emptiness]
Without the village where Holeyas live,
Same shunyata.
Where then lies the difference?⁹*

This amazingly strong anti-brahmanical tradition of the Virasaivites, providing a basis from which an alternative imagination could emerge in shaping social relations, however, was unable to destroy the caste system in Karnataka. Over the centuries the Virasaivites lost the critical edge of their anti-caste position. Unable to change the social relations of the society in which they were located, they became a sect where members practised their own beliefs and reproduced themselves as a community by marrying among themselves. Ironically, through endogamous marriages—in a manner of speaking—they ultimately became a caste, or a caste-like sect themselves. (Even conversion to Islam or Christianity has not led to an escape from iniquitous social relations for those who may have sought such an exit.) The case of the satnamis who arose in the seventeenth century and owed allegiance to Kabir, the great Bhakti sant, is also significant. They forbade caste distinctions within the newly forged community and drew their support from a number of lower castes. But they became an endogamous community as they married among themselves: the net result was that although they critiqued the caste framework they ultimately returned to that framework but at a higher rank than when they had left it.¹⁰

To sum up, the enduring legacy of Bhakti has been that it provides women and men today who are possessed of democratic and egalitarian aspirations with the opportunity to dip into a rich cultural repertoire. However, we need to keep in mind that the Bhakti tradition gave the underprivileged an arena to express their social aspirations, a transformed self-identity in a limited sphere but not a new social identity in the world of social relations. Given the complex nature of Bhakti and its followers, all social relations, including existing inequalities in property relations were not challenged. Moreover, not all the proponents of Bhakti were equally radical. Resistance and struggle cannot be restricted to the field of ideology or faith alone if we want to change social relations in the world we all live in, and that is what we need to remember as feminists when we dip into the reservoir of Bhakti. However, it is equally important to recall how women resisted the normative structures that sought their compliance

to patriarchal structures; historical sources indicate that by expanding the field of their social experience some women at least have left us a rich heritage upon which we can build.

NOTES

1. *Setaketu Jataka. The Jatakas*, vol.1, edited by E.B. Cowell (London: Pali Text Society, 1957).
2. C. A. F. Rhys Davids, *Therigatha*, trans as *Psalms of the Early Sisters* (London: Pali Text Society, 1932), pp. 116-19.
3. *Ibid.*: pp. 45, 181-82.
4. D. D. Kosambi, *Myth and Reality: Studies in the Formation of Indian Culture* (Bombay, Popular Prakashan, 1962), pp. 32 ff.
5. Vijaya Ramaswamy, *Walking Naked: Women, Society, Spirituality in South India* (Shimla: Indian Institute of Advanced Study, 1997), p. 213.
6. Eleanor Zelliot, 'Women Saints in Medieval Maharashtra.' In *Faces of the Feminine, Ancient, Medieval, Modern*, edited by Mandakranta Bose (Delhi: Oxford University Press, 2000), p. 194.
7. The verses cited and some of the discussions in the paragraphs above are from Ramaswamy, *Walking Naked*, Chapters 5 and 6.
8. Irawati Karve, 'On the Road: A Maharashtrian Pilgrimage.' *The Journal of Asian Studies* 22, 1 (1962): 13-29.
9. Ramaswamy, *Walking Naked*, Chapters 5 and 6.
10. Irfan Habib, *Essays in Indian History: Towards a Marxist Perception* (Delhi: Tulika, 1995), p. 176.

Pre-Colonial Structures of Caste and Gender: An Eighteenth-Century Example

A number of scholars in the last decade or so have begun to argue that the colonial period marks a decisive moment in our understanding of caste and in the shaping of its contemporary manifestations. This standpoint has important ramifications as it treats the colonial period as a 'rupture' or a decisive break in the cultural patterns of our society, valorizing the pre-colonial indigenous structures. For instance, an important scholar representing this position, Dharampal, sees these indigenous structures as having an in-built self-correcting mechanism which ensured that these structures were never too oppressive.¹ By implication (sometimes more explicitly too) this way of thinking positions most feminists, Marxists, and secular democratic thinkers who are critical of the pre-colonial past as products of western mentalities who are deracinated from their own societies. As the political consequences of this way of understanding the colonial and the pre-colonial period are serious we need to examine closely the pre-colonial structures of caste and gender. Again, as before, we will draw on the region of Maharashtra as there is a body of scholarship available for this region for the eighteenth century.

Before we launch into an in-depth examination of the case of eighteenth-century Maharashtra, we need to address the important aspect of mobility within the caste system. It is widely accepted that the caste system was never completely

closed: we have tried to point out how varied the manifestations of caste are and how complicated its history has been. Castes have had a degree of mobility within the hierarchy of castes and one such example is that of the jats who appear to be untouchables/chandalas in the Sindh region in the eighth century and were kept in that condition by Muhammad Ibn Qasim after the conquest of Sindh. The new ruler virtually endorsed all the constraints placed upon the jats which were very similar to those prescribed by Manu.² By the eleventh century they had attained sudra status and as they spread into the Punjab and present-day Haryana they appear by the seventeenth century to be the peasantry par excellence. After the jat rebellion of the seventeenth century a segment of the jats which was aspiring to the position of zamindars was claiming the status of rajputs. As Irfan Habib puts it, 'Thus we can see that Sanskritization converts the *erstwhile* victims of the caste system into its *votaries*' [emphasis added].³ It has also been noted by scholars that the one segment of the caste structure which was vulnerable to change was that of the ruling or warrior class. Invasions and rebellions made hereditary monopoly of armed power extremely difficult and a classic case is that of the marathas under Shivaji. When he assumed kingship his status as a kshatriya ruler entitled to the coronation rituals was contested by some of the Maharashtrian brahmanas. Shivaji simply 'imported' brahmanas from Uttar Pradesh who were willing to crown him. Secular power, therefore, was able to bend the hierarchies of the caste system. Thus, it has been argued that where the system should according to its own internal logic have been the strongest, in actual terms it was the weakest, namely, in the stability of the ruling community.⁴

ENFORCEMENT OF CASTE HIERARCHIES

Mobility was also sought, and sometimes achieved, by humbler groups like artisanal castes as in Maharashtra, where we have the example of a new caste emerging as a consequence of one segment of the tailors becoming dyers, who then became an endogamous subcaste. Castes could also move down in the hierarchy—for example, if a group like the rajputs of Malwa begin to practise widow remarriage their caste could split into

two segments. In this case they came to be regarded as 'true' rajputs if they forbade widow remarriage and 'false' rajputs if they permitted widow remarriage. Each segment also became an endogamous unit.⁵ As we can see, moves for upward social mobility invariably had consequences for patriarchal practice within the caste. It must be recognized that the 'flexibility' of the caste system and the mobility within it also had its own structure: generally mobility was possible within the middle castes. There were strong barriers operating at crossing the untouchability line for those below it. Also, when individuals tried to move to another area and seek a higher status for themselves, they could be 'found out' and punished severely for such attempts.⁶ Thanks to the policing built into the caste system and made into the special function of the dominant castes, the attempts at social mobility could fail more often than they succeeded. Nevertheless, the very desire to escape the 'prison-house' of low status indicates that the caste system cannot be regarded as a consensual arrangement or one in which the low are reconciled to their status as low and contemptible. In the main, despite the numerous examples of castes seeking upward mobility, the structure and the principles of the caste system remained intact; the principle of hierarchy, occupation, land control and, most important, brahmanical patriarchy were stable. Endogamy remained the principle through which the entire structure was reproduced. This is borne out in the context of eighteenth-century Maharashtra.⁷

In the eighteenth century the Peshwas, the hereditary prime ministers of the dynasty founded by Shivaji in western India, usurped actual power and began to rule from Pune, while formal power continued to be centred in Kolhapur. The Peshwas were Chitpavan brahmanas who quickly became not only the religious elite but also the military, political, economic and social ruling elites of the Pune region during the Peshwai. At the other end the Peshwai was marked by severe discrimination against the *ati-sudra* castes, that is, the untouchables. On the basis of documentary evidence for the seventeenth and eighteenth centuries for the Peshwai, it has been argued that the percentage of discriminated castes was much higher than in early India and that the period between the eighth and twelfth

centuries was a formative period in this respect. According to a historian, the discrimination of the later medieval Deccan was a direct development of this period.⁸

The Peshwai was marked by a strong recourse to brahmanism and to textual prescriptions to maintain social order. It self-consciously sought to set up the 'dharmarajya'. Perhaps as 'usurpers', the Peshwas' need for legitimation was a strong impulse and may account for the avowed espousal of brahmanic norms during this period. The court documents describe rites and fines for violations of purity rules: the best example of regulating social practices is provided by a complaint of the brahmanas against the mahars for polluting them in the Pandharpur temple. We have already discussed the Bhakti cult and the devotion of Chokhamela the mahar to Vithoba, the God of the Pandharpur temple (see Chapter 6). According to popular belief, after Chokhamela died his bones continued to chant 'Vithala, Vithala' so he was buried under the steps leading to the temple. In any case the temple came to include an image of Chokhamela and was frequented by mahar pilgrims. In the eighteenth century the brahmanas complained to the Peshwai that when the temple was jammed with pilgrims they were forced into bodily contact with the untouchable mahars. They appealed to the government that the ati-sudras should be kept away from the temple. The government then decreed:

*There is a stone image of Chokhamela to the north of the Vithoba temple and the ati-sudras make their pilgrimage to it. The place neighbours the road used by the pilgrims (i.e. brahmana and other upper caste people) so that they happen to come in touch with an ati-sudra. This is against the dharma of the brahmanas. Therefore ati-sudras should worship the image of Chokhamela by the side of the lump pillar in front of the Vithoba temple or in the maharvada. Ati-sudras must not approach the Vithoba temple itself. If they violate this edict they must be punished.*⁹

Similarly, the government decreed and helped to relocate the maharvada in certain villages to a more distant location if it was regarded as too close to the main village and therefore capable of causing pollution to upper castes.

It is evident that the Peshwai regarded changes in social practices over many decades or centuries to be violative of the social order and used their control over the state machinery to decree a return to a tighter operation of the caste system. Far from having an in-built mechanism for mediating oppressive practices, it had an in-built mechanism—through an appeal to state power—to close the openings sought by the lower caste to change social practices. What is tragic is that lower caste could often ally themselves with the ideology of hierarchy of the caste system as the mahars did when they appealed to the government to forbid the mang bridegrooms from riding a horse in the village. They were to return to riding a buffalo so that the distinction between even two disprivileged groups could be maintained! We must remember the amazing range of maintaining hierarchies in virtually every field, including dress and ways of greeting, as an aspect of the caste system. The mangs were told by the Peshwai that they had to ‘behave according to long-standing custom and not make trouble’. Also it should be noted that the state was consistent in its handling of ‘custom’ and/or textual prescriptions: their decrees always upheld the internal hierarchy of the caste system. Thus when the dispute was between mahars and mangs, the mahar position would be upheld; when it was between brahmanas and mahars the brahmana position was upheld.

ENFORCEMENT OF SEXUAL CODES

Given the concern with brahmanic prescriptions, the Peshwai was also an important phase in regulating the sexual behaviour of women. Apart from everything else the ‘brahmanya’, that is, the normative code of the brahmanas, implied a strictly regulated code for women differing to some extent according to caste but always remaining the index in fixing the ranking within the caste hierarchy. The remarriage of widows, which we have already discussed (Chapters 4 and 5) was a crucial marker of the status of a caste: a caste could seek to raise its status by enforcing widowhood upon its women; other castes lost their ranking by admitting the remarriage of widows. What is significant is that in the Peshwai it was not merely the question of the relationship between caste and the practice of widow

remarriage that was important but the need to monitor the sexual behaviour of all women.¹⁰ Thus the brahmanya implied that questions about endogamous marriages, legitimate wifehood, remarriage, ascetic widowhood without remarriage, the mandatory tonsure of widows, excommunication for lapses, all were regulated by the community headed by the brahmanas, which ultimately became a concern of the state. Adultery was punished with imprisonment, and the state could even induct the offending woman into slavery if no one was willing to take responsibility for her. The British found such sales in the early nineteenth century in many parts of South India. As M. Shama Rao writes:

*The sale by public auction of women accused of adultery was very frequent in the earlier days of the British Commission and it was only by a proclamation issued in 1843 that this odious practice by which the government derived revenue was completely prohibited. Among the Brahmins and Vaishyas females were not sold but expelled from their caste and branded on their arms as prostitutes.*¹¹

In Kerala in the late nineteenth and early twentieth centuries the king introduced a special trial for namboodiri women accused of adultery called the *smartavicharam*. If found guilty the woman was excommunicated so that the social order of caste and marriage, contingent upon the chastity of upper caste women, was upheld by the state.¹² This theme is described powerfully in a short story by Lalithambika Antherjanam.¹³

The paranoia of the community and the state about upholding the brahmanya for women led the Peshwai to send decrees enforcing pre-pubertal marriages for girls, banning customary practices such as cross-cousin marriages, demanding the tonsure of widows and the adoption of other codes when the widow reached puberty, and even insisting upon the segregation of married women from widows at ritual meals. Thus in a fundamental sense it was brahmana women who actually upheld, or rather carried, the burden of the brahmanya of their caste: the price of their purity also meant that it was brahmana women who were the largest single group among those who committed suicide in the *dharmarajya* of the Peshwai, as I have argued earlier.¹⁴

If we sum up the evidence of the Peshwai it is clear that state power is a crucial component in the consolidation of the caste system. The actions of both the lower castes and women—and even upper caste men—were policed by a combination of community power and state power. Fukazawa argues forcefully that far from the caste system being an institution which continued without any relation to the secular political powers, state power was a crucial factor in its development and diversification. He also argues that there is a close connection between the community and the state: the caste system was not a ‘spontaneous’ social order of the people, but very much a state order of society, controlled and protected by the state as we have just seen. In his view the Peshwai sought to preserve the caste hierarchy in the areas of its control through the legal apparatus of the state.¹⁵ What we need to emphasize here is that as with caste, in the ultimate analysis, gender codes were not ‘spontaneous’, not merely an arrangement of a patriarchal society but were extended, consolidated, and reinforced by state power under the Peshwas. This understanding should also not come as a surprise to us. Caste and gender, as we have been arguing, are so closely tied that regarding them as two discrete systems has been our limitation, a limitation of our scholarship—as systems they are inextricably tied and almost impossible to disentangle.

NOTES

1. Dharampal, *The Beautiful Tree: Indigenous Indian Education in the Eighteenth Century* (Delhi: Oxford University Press, 1983).
2. Irfan Habib, *Essays in Indian History: Towards a Marxist Perception* (Delhi: Tulika, 1995), p. 172.
3. Ibid.: 179.
4. Ibid.: 167.
5. Martha Chen, *Perpetual Mourning: Widows in Rural India* (Delhi: Oxford University Press, 2000), p.109.
6. M. N. Srinivas, *Social Change in Modern India* (Bombay: Orient Longman, 1972), p. 73.
7. The section is drawn from my book, *Rewriting History: The Life and Times of Pandita Ramabai* (Delhi: Kali For Women, 1998).
8. H. Kotani, ed., *Caste System, Untouchability and the Depressed* (Delhi: Manohar, 1999), p. 56.

9. Ibid.: 58.
10. There was considerable pragmatism in the Peshwai's handling of sexual codes for women depending upon caste. For example, the lower caste woman could be charged with adultery and then transformed into a lavani performer. Sharmila Rege's work on the lavani performers brings out the caste dimensions of this form of popular entertainment; Sharmila Rege, 'The Hegemonic Appropriation of Sexuality: The Case of the Lavani Performers of Maharashtra,' in *Sexuality, Social Reform and the State*, edited by Patricia Uberoi (Delhi: SAGE, 1996).
11. M. Shama Rao, *Modern Mysore From the Coronation of Chamaraja Wodeyar X in 1868 to the Present Times* (Bangalore: Higginbothams, 1936), cited in Priyadarshini Vijaishri, 'Patterns of Sacred Prostitution in Colonial South India', p. 76, Ph.D. diss. Jawaharlal Nehru University, Delhi, 2003.
12. Sheeba K. M., 'Caste, Sexuality and the State: The Changing Lives of Namboodiri Women in Keralam in the Twentieth Century'. Ph.D. diss. Jawaharlal Nehru University, Delhi, 2002.
13. A namboodiri herself, she recorded the physical incarceration, the mental agony and the terrorizing disciplinary holds of ritual purity that women faced: Lalithambika Antherjanam, *Cast Me Out If You Will: Stories and Memoir*, trans Gita Krishnankutty (Calcutta: Stree, 1998; Amazon-Westland, forthcoming); see also its Introduction where smartavicharan is discussed in detail.
14. Chakravarti, *Rewriting History*, Chapter 3.
15. H. Fukazawa, *The Medieval Deccan: Peasants, Social Systems, States, Sixteenth to Eighteenth Centuries* (Delhi: Oxford University Press, 1991), pp. 32-44.

Caste in the Colonial Period

The advent of British rule in different parts of the subcontinent marked a major moment in terms of governance in the history of the region. Apart from economic changes, especially in production relations and revenue extraction, there were legal changes, a new administrative and judicial apparatus, and new systems of education. In sum the colonial period marked the emergence of a new 'public culture'. These transformations had a major impact on systems of hierarchy, leading to changes in the class structure, in gender relations—making for what has been termed 'new patriarchies'—and in caste relations. In the context of caste, in particular, British rule has been regarded by one strand of scholars as marking a kind of 'rupture', a break that changed the very nature of the caste system. While it is not necessary to get into the polemics involved in this position, it is notable that this point of view has not engaged with the transformations in caste practices on the ground, nor of its workings in the pre-colonial period, which is the only way that changes can be mapped. Instead, let us proceed to examine the nature of changes that unfolded in the working of caste in the colonial period. In doing so we would always need to keep in mind the wide variations in historical experience according to region and local circumstances.

One of the first challenges faced by the colonial government, as it was settling into the task of governance, was whether it was going to step into the shoes of the 'king' in terms of adjudicating caste status, a practice that existed in the pre-colonial times. In 1818 an example of the difficulties

faced by the British came to the fore when a dispute between the pancal devajna rathakaras, popularly known as sonars, and the brahmanas of Pune was brought before the British collector. The brahmanas of Pune were objecting to the claims for higher status made through the adoption of Vedic rituals by the sonars, which had been conceded to them by one of the brahmanas of Ahmednagar, who also performed the Vedic rituals for them. The brahmanas of Pune had immediately excommunicated the 'erring' brahmana of Nagar and also demanded that the sonars be punished for offending the 'dignity' of the brahmanas. The case was forwarded to Pune for trial by a caste panchayat. The final verdict of the panchayat was predictable: the erring brahmanas of Nagar were sentenced to perform expiatory rights and the sonars were told to maintain the proper ritual distance between them and the brahmanas, wear their dhotis as lower castes should, use copper images, avoid the use of namaskar as a form of greeting (this was a monopoly of the upper castes!) among other things. The award of the caste panchayat also held that the execution of the award rested with the government which was required to summon and fine the offending sonars.

The government, which did not want to be embroiled in inter-caste relations, responded by permitting the brahmanas of Pune to discipline their caste brethren of Ahmednagar, but refused to punish the sonars. Finally, the sonars dismissed their erstwhile brahmana priests and carried on practising the Vedic rituals. What is significant is that the controversy between the brahmanas and the sonars, which had been pending through the duration of the Peshwai, was sought to be settled in the new power regime of the British. The British in turn were undecided on how to resolve these questions of status, with one segment arguing that the status order should be preserved for reasons of British stability. This was still in the early years after the British had taken over the Pune region and they were cautious in their handling of issues which could set off disaffection that could be dislocating for them.¹

Two issues emerge from the example just cited: one, the recognition on the part of castes seeking changes in their status that since there was a new secular power their statuses could be *renegotiated* by appealing to the new authorities; and two,

that the British could not avoid dealing with caste as part of their governance. Over the decades and in different regions questions of caste status and caste practices were constantly surfacing and the judiciary had to arbitrate in many cases to settle them. This is an area that requires in-depth examination as the information we have is somewhat episodic. This issue will be examined in greater depth in Chapter 9. For the moment the issue of the renegotiations in caste status in the new political dispensation through the census will help us to understand the relationship of the colonial state to the caste system, as well as to the knowledge about caste that the census provided in the nineteenth and early twentieth centuries.

As pointed out earlier, castes that were dissatisfied with their places in the hierarchy continuously sought to improve their statuses. Castes that occupied the top position were equally concerned about maintaining their privileges uncontaminated by the lower castes. In each region conflicts in caste status came to be settled by the dominant caste which could act 'like the king'. Depending on the relative balance of power, castes trying to move up could have varying degrees of success. Success could have a demonstration effect on all the low castes in the region, bringing home to them in a poignant way that they could move out of their own unenviable position. They could also get their own back on those who looked down on them. As Srinivas puts it, 'It was as though they suddenly woke up to the fact that they were no longer inhabiting a prison'.²

THE CENSUS AND ITS CONSEQUENCES

The attempt of castes to move up was a familiar aspect of the caste system and is documented for society during the pre-colonial period. What was new was the scale on which caste status questions could proliferate with the enumeration of the census. Now for the first time the scale on which the caste status could be renegotiated or arbitrated was much wider, operating on an all-India basis. Moreover, the hold of the administrative system was much wider, and it was a single power that was to apply its mind to the issues at stake. Thus, instead of individual kings or dominant castes determining the formal status of a caste, there was a more encompassing body that was responsible for determining caste status. This

was bound to make a difference to the way caste was understood or came to be understood. The all-India pattern itself, however, was built up on the basis of local knowledge or local factors, and in a sense the contradictions in how census officials and census commissioners understood the caste system were never really settled. For example, the census enumerators could apply their own understanding in recording caste status in a given region, or could seek 'knowledgeable' opinion from Sanskrit scholars. In Bengal the Sanskrit scholar Rajendralal Mitra was made the arbiter by the Lieutenant Governor of the social position of various castes. But Mitra, in turn, argued that caste questions should be settled by the census authorities by following the textbooks of the Hindus, and not by conceding particular claims on their own. In 1901 Risley, the Census Commissioner, ordered that the classification of each caste in the hierarchy was to be done 'by social precedence as recognised by native public opinion at the present day'. To this, Gait, the Deputy Census Commissioner, added the explanation that the decision must rest with *enlightened* public opinion, not with public opinion generally; clearly it was high caste public opinion that would prevail. The process of census enumeration vis-à-vis caste cannot itself thus be homogenized. Nevertheless, it is fair to state that the census enumeration began to play an important role in seeking to settle questions of caste status.

The leaders of all but the highest castes frankly looked upon the census as an opportunity of pressing and perhaps obtaining some recognition of the social claims which had earlier been denied by castes higher than their own.³ The historical role which Indian rulers had played, including the ability to promote and demote, often recorded through copper plate inscriptions, was thus transferred to the British *by the people* in Srinivas' characterization of the process. In sum, the census thus came to be perceived not as an exercise in counting the number of people in each caste but to fix the relative position of different castes and to deal with questions of social superiority. For instance, when the Arya Samaj began to propagate its own brand of unified Hinduism, the population of Lahore was instructed, through a handbill, to fill the census columns in the following way: that their religion was

'Vedi Dharma', their language was 'Arya Bhasha', their sect was Arya Samaj, their race was 'Aryan' and their caste was nil!⁴ Identities were certainly not fixed and were continuously being remade, as in the past, but using a new instrument for having claims recognized.

Among the factors that came to be associated with the process of census enumeration was the emergence of caste associations in the second half of the nineteenth century and thereafter, as well as a major concern with myths of origin of various castes. Through such processes castes, both high and low, began to rewrite their own histories in terms of their own self-perceptions. The lower castes frequently represented their own low status as a consequence of a betrayal of some kind, or an act of usurpation at the hands of the cunning upper castes. The association of the lower castes with pollution was attributed in these narratives to a single mistake, or more often to a trick played on the ancestors of the community by castes which were now regarded as having a high status. These representations were an extension, as well as an inversion, of the brahmanical theory of debased origin of the lower castes in the varnasamkara. An interesting variant of lower caste origins of adi-dravida or dalit castes in Kerala was provided by Kumaran Gurudevan. Apart from regarding these castes as the indigenous peoples of the region who were 'Dravidian' but were enslaved by the machinations of the 'Aryans', the explanation for the trickery was misogynist. In this 'betrayal' the adi-dravida women had a part to play: they were 'lured' by the Aryans to fall from their high pedestal, wherein they had maintained the chastity vow made to their menfolk. They thus lost their 'heritage' of purity and became the slaves of the Aryans.⁵ An inversion of the hypogamy thesis—chaste women who were of good status originally, in what is otherwise perceived as hypergamy in brahmanical theory—is present here in a distinctive rendering. The pure women of the civilized Dravidians were lured into betraying their communities, and their lands, by colluding with the Aryan outsiders leading to the subordination of all the adi-dravidas. Manu's framework of miscegeny provides gains to the upper castes through the loss of their material possessions in this rendering of the failure to uphold the norm of chastity by adi-dravida women.

CASTE MOBILITY

There were other ways to challenge hierarchy that opened up in the nineteenth century. For the lower castes, conversion to Christianity could also be a way of breaking out of their prison-houses: education for the lower castes was available in missionary schools even before the government schooling system was opened to them. Education provided the converts from the lower castes with a means to access government appointments too, so upward mobility was possible on a selective basis. Armed with these new identities the lower castes could also seek to challenge the symbolic world of status as the 'breast-cloth' controversy of the shanars in the Travancore region shows us so tellingly. As the shanars were converted to Christianity they sought to appropriate the right to cover the breasts of their women—which until then was a prerogative of the uppermost castes as the only women to possess the 'virtue' of chastity. As the controversy unfolded it became apparent that the shanars did not want merely to cover the breasts of their women, which the missionaries had found a way to do by creating a blouse of the kind worn traditionally by Moplah women and Syrian Christians. Instead, the shanars demanded the right to cover the breast in the *same way as upper caste women did*—with a breast-cloth, not a blouse. Clearly the shanars were less concerned with mere modesty—although the right to be 'modest' itself was associated with caste status; what they wanted was the right to exactly the same privileges as the upper castes—nothing less would do!⁶ The demands of the shanars thus went beyond the notions of the missionaries even though the conversion did provide the first step in arming themselves to challenge the upper castes' monopoly over high status. In the 1980s there were riots in Tamil Nadu because lower caste women took to wearing blouses like their upper caste counterparts. The entire breast-cloth controversy is a telling example of Bourdieu's argument on the importance of looking closely at bodily demeanour, which according to him exemplifies social class and gender.⁷

Economic changes had also exacerbated the process of caste mobility. The accompanying process of class formation and the new opportunities provided by education, occupations, or new commercial opportunities (such as the market for

shoes which the chamars took advantage of in western Uttar Pradesh during the Second World War), also had important consequences for the expression of aspirations on the part of various castes as well as the blocking off of their aspirations. Caste mobilization was one aspect of the changing dimensions of class formation and the relationship between caste and class, which might translate into upward social mobility moves. Another was the emergence of the anti-caste movements seeking to challenge the consolidations of power in which the new opportunities were being unequally accessed by the different castes. It is thus important to underline the complex process of the colonial state's relationship with caste and, as we will see below, with issues of gender, and not flatten them to suggest that there was a single axis on which these changes rested.

CASTE CRITIQUES

The real edge to caste contestations came not from caste mobility moves but from the emergence of a coherent and cogent critique of the caste system itself in the second half of the nineteenth century. Among the significant developments in the formation of an anti-caste polemic which has left a legacy for dalit groups, and has provided a way to think about caste from another perspective from that of the top, was provided by Phule and his compatriots in western India. In Phule's conceptualization of caste, a definitive turning point was reached as he rejected the process of Sanskritization, and broke through the ritual idiom of earlier caste movements which had worked within the parameters of brahmanic ideology. In other words, he broke through the blocked 'cultural imagination' of the lower castes whereby they were unable to reconceptualize the caste system except within the hegemonic framework of the upper caste view of social groups—or jatis—in an *inevitable hierarchical relationship* to each other, as Sekhar Bandyopadhyaya puts it.⁸ This rejection was also not confined to the religious sphere, as had largely been the case with earlier critiques of the caste system, such as those expressed by the Bhakti sants, but was more emphatically based on linking existing social and economic contradictions to the caste system. Phule used a conflict approach to understand the caste system which pitted the brahmanas as *upholders of the existing unequal system* against

those who were oppressed culturally and materially. Phule was unambiguous in his rejection of the caste system which was an unacceptable system for the lower castes. In this his writing was not only different from those who were trying to recast the histories of their respective caste but also from the writings of upper caste intellectuals whose analysis of caste was marked, in the main, by a false and forced consensus.

It was because Phule attempted to make the lower castes conscious of the injustice and inequality of the caste system *as a whole* that he rejected the Sanskritization moves of the local kunbis, a peasant caste, who were trying to take on the rituals of the upper castes. This, in his view, obscured the realization that all social divisions were part of the same 'engine of social oppression'. Sanskritization moves required not only an acceptance of the basic hierarchical premises of the caste system but also meant that the upwardly mobile castes would have to put a distance between themselves and castes lower down in the hierarchy. Instead, the lower castes must create a 'fused community of the oppressed' amongst all those who laboured, which would transcend the fragmentation of these groups into a larger 'bahujaan' samaj. Phule gave great importance to the need for the lower castes to challenge the brahmana's monopoly over the explanatory framework of caste and therefore laid considerable emphasis on education—or more aptly *knowledge*, which alone could break this monopoly. Education was regarded as the *trairatna*, or the third eye, which enabled those who possessed it to see beyond what the normal eye could not see, that is, it would provide the lower castes with a new mode of social perception. At a more instrumental level, education was the key to social mobility and entry into the portals of power via the positions in government which were being almost entirely filled by the upper castes who had quickly gained entry into English education. They were thus able to reconsolidate their traditional advantages as upper castes.

In the twentieth century, the critique of the caste system was expanded by Ambedkar in western India and extended regionally into Tamil Nadu both in ideological terms and as a political strategy for change. The middle class, mainly upper caste, leadership of the national movement which saw

itself as representing the *people* of India, found their position challenged by the emergence of leaders like B. R. Ambedkar and E. V. Ramaswamy Naicker (known as Periyar), perhaps the most important leader, of the Non-Brahmin movement in Tamil Nadu. The movement led by Ambedkar against untouchability fractured the appearance of a consensus on the way to eliminate the caste system. It also introduced a political means of acknowledging caste differences and aimed to provide compensatory provisions for historic deprivations. Because of their strong critique of caste, they were also able to go much further in their understanding of women's oppression, and Phule, in particular, spearheaded women's education. Thanks to his efforts, a 13-year-old mang girl in his school could write sharply about caste and strip the brahmanic ideology of its falsities. 'Let that religion, where only one person is privileged and the rest deprived, perish from the earth and let it never enter our minds to be proud of such a religion,' she proclaimed. Through her brief essay, Muktabai lets us see that she had understood and rejected the existing social order and provided a scathing critique of brahmanical power. The newly acquired skills of literacy had made it possible for this 'untouchable' young girl to question in print the most sacred person in the social hierarchy and reject unequivocally his 'knowledge' and his authority.

All these processes, and many others, have unfolded further in the post-independent period, especially so in the last decade of the last century. Between them, men like Phule, Ambedkar, Iyothee Thass and Periyar, deeply sensitive to the suffering and injustice in their societies based on the cultural and material deprivation of the lower castes by the upper castes, had challenged its very basis.⁹ But before we move more systematically to the post-independent developments on caste, we need to examine the way gender was affected by colonial rule, especially in its relationship to the structures of caste, so that we may better understand the ongoing linkages between caste and gender, as they are still being manifest today.

GENDER AND CASTE: LEGAL INTERVENTION

The British moved cautiously on issues of gender even though sati was abolished in 1829. The general principle of

non-interference in religious beliefs meant that the personal domain of the Indians—both Hindu and Muslim—in the early decades of British rule, was left to be governed under what came to known as the personal laws. This legal boundary of the domain of the family has survived into post-independent India. But the question of what constituted personal law, how the customary law was understood, and when it applied, whom it applied to, and what the relationship of personal law/customary law was to British Indian Statutory law, that is, the new laws introduced by the British, remained areas of tension and were often worked out in contradictory ways. Both caste and gender practices were negotiated and renegotiated through occasional legislation, but more often through the case law and the legal practices of the courts. What was significant was the variations in the case law according to region and the wide differences between the various benches of the High Courts. Caste as a factor, whether in determining customary practices or in more insidious ways, was ever present. The British upheld the hierarchies especially in inter-caste relations that impinged upon gender. For example, when the rape law was being formulated, it was seriously argued that an upper caste woman who was raped would regard the rape as 'worse than death' especially if her rapist was a low caste man. A judge of the Madras court wrote, 'it would not be rare to find women of caste, by whom death would be a lesser evil than violation by their person by some low caste man'. From this the British judge was willing to consider that such a woman should be distinguished from that of a woman without character. The law must therefore protect and punish the first offender more than the violator of a 'woman of easy virtue'. The honourable judge said:

On the one hand, take the case of a high caste female, who would sacrifice her life to her honour, contaminated by the embrace of a man of low caste, say a Chandala or a Pariah [emphasis added]. On the other . . . a woman without character, or any pretensions of purity, who is wont to be of easy access. In the latter, if a woman from any motive refuses to comply with the solicitations of a man, and is forced by him, the offender ought to be punished, but surely the injury is infinitely less than . . . in the former.¹⁰

As Vasudha Dhagamwar writes, the distinction implied here made a difference between women of the upper castes and women of the low castes [the latter] who, because of their low social and economic status, were likely to find it impossible to escape assaults on them by men of the more powerful castes; the law protected one and abandoned the other. Caste here was being regarded almost as a natural factor in understanding notions of chastity and therefore differences, real or imaginary, in sexual practices which, in turn, would shape the nature of the punishment ordered. Manu's differential punishments—less for the brahmanas and more for the sudras—were still informing legal practices in matters of sexuality!

An early intervention in the law, which had crucial consequences for gender, was the Widow Remarriage Act of 1856. Legislated primarily to provide 'relief' for remarriage of widows of castes that practised enforced widowhood—mainly the brahmanas and certain other upper castes such as rajputs, banias and kayasthas—which forbade their widows to remarry. The Act was also designed to provide this 'relief' to child widows whose husbands had died before their marriages could be consummated. At the same time, it introduced a punitive clause, in that the widow who remarried lost her claims to the limited right to the property of her first husband that she had till then. Since many castes had permitted widow remarriage without forfeiting their claims this new clause clearly widened the operation of upper caste patriarchal norms in property arrangements. Lucy Carroll has documented the wide variations in the application of the clauses in the different courts of Allahabad, Calcutta and Bombay in terms of understanding the customary practices of different castes. Although the law made no references to distinctions based on caste, the courts, especially of Allahabad and Calcutta, gave credence to customary practices. However, Bombay tended to reject customary practices as a basis for differences under the new law of 1856 which according to the courts must override the differences.¹¹

The Punjab High Court, with its bench at Lahore, was however reinforcing customary law in a different direction in the context of widow remarriage. The practice of levirate was widespread among a number of castes, and particularly among the jats of the region. The political economy of the Punjab with

its strong cultivation and revenue importance, the policies of military recruitment from the region which absorbed many of the able-bodied men, and the mainly self-cultivating peasant economy of jats, required a strong labour component in which jat women played a crucial role. Levirate remarriage of widows was a way of preserving the property of the husband's family, while the labour of the widow and her reproductive potential expanded the labouring base of the household, as outlined earlier. The customary practice of levirate remarriage was integrally tied to the political economy of the region and the British judges were therefore strong proponents of the customary law based on caste practices. The trouble was that many widows did not want to be forced into the levirate unions or wished sometimes to marry men of their own choice, and took recourse to the courts to protect them against the 'caste law'. Far from considering women to be consenting adults who could, or should, decide for themselves, the judges often enforced the customary law upon the widows. The district officials were instructed thus: 'often a young widow will present a petition to the district commissioner for sanction to marry a man of her choice but with such application he is wise to have nothing to do'.¹² George Campbell dealt with the whole question of the widow's agency when they asserted their right to refuse a levirate marriage thus:

*The parties used to come before me with much vociferation on the female side, and I decided whether the excuse was reasonable. But if the man seemed a decent man, and the woman could give no better excuse than to say I don't like him, I said, 'Stuff and nonsense, I can't listen to that—the law must be respected.' And I sometimes married them there and then by throwing a sheet over them after the native fashion for second marriages. So far as I could hear those marriages generally lived out very happily.*¹³

In sum, in various parts of the British administered territories the courts were applying the penalty clauses of forfeiture of property of the first husband which the 1856 Widow Remarriage Act had prescribed. Other benches did not accept the applicability of the forfeiture rule in the case of certain castes based on earlier customary practices. Courts were also adjudicating on the legality of inter-caste marriages and the

relationship between the sudras and the 'untouchable' castes for purposes of a valid marriage between them. Discerning a uniform pattern of laws operating across castes and across regions thus is virtually impossible. What does appear to be emerging in the nineteenth century, as a factor in legal practice, is the relationship between the formation of an educated middle class, drawn primarily from the upper castes in regions like western India, which was seeking to homogenize laws so that these would apply across castes whatever their distinctive customary practices may have been. Thus homogenized, the laws would thereby erode earlier differences in marriage practices. The British, of course, were also seeking to make the laws uniform from the point of view of making it easier for purposes of administration.

An Act that was passed during the colonial period and has not been noticed or seriously studied till recently by Parveen Mody was Act 3 of 1872, which introduced civil marriage into India. This law was merely to be 'enabling' and was intended to make marriages between various communities among the Brahmos, the reformist group of Bengal, legal. As it turned out it had much wider application and generated extreme anxiety from caste Hindu society as it made possible marriage across castes, and across religious communities. Most important, it was registered as a legitimate union between two consenting partners without needing the sanction of the families of the couple. It also introduced the notion of a 'love-marriage' into public debate, a notion that has still to work itself out in terms of marriage practices in India. Under it theoretically any two Indians (of opposite sex) could 'legitimately marry out of choice and love rather than by dictates of birth'.¹⁴ As the debate around this proposed law unfolded—it had three versions before it was enacted as law—it became clear that there was violent dissent from many quarters to the *legitimation* of love unions through state sanctioned and legalized marriage. The import of this move was understood by the debating public which was unwilling to admit agency on the part of the couple and the privileging of the individual over the social. For them, agency was to be located only in the community and therefore any move towards weakening the hold of the community generated a range of responses, from moral ambivalence to

extreme anxiety about the survival of caste hierarchy. It was perceived as unnatural (caste on the other hand was natural) and an attack on maintaining the class, status and the standing of the families concerned.

Among the responses to the proposed Act was the view that 'native society would never countenance a state of affairs in which distinctions of caste and creed were threatened'. Petitions to the government against the proposed Act played on the notion of brahmanical purity and hierarchy, and the challenge such a law was mounting against authority. Inter-caste marriage was looked upon with 'hatred', and it was argued that the children of such a union would be regarded as bastards. One opponent went on to celebrate the rigidity of castes, 'India as she now stands is proud of her unmixed blood which would scarcely be found in any other part of the world.' Further, 'the chastity of her women is proverbial,' he boasted. Indian women were also extolled 'as reproducers of moral communities' and as upholding the pure traditions of the land, a situation that was now bound to be corrupted. The dangers of inter-caste marriages and its impact on the caste system was such that honorary magistrate Lachmi Narain wrote passionately to the government, 'parents would rather kill her [their daughter] in her cradle than allow her when of age to disgrace her family'.¹⁵

It was outraged sentiment like this that built in provisions to ensure that eloping couples did not get the chance to marry undetected. The minimum residence period of two weeks before and two weeks after, rather than the original 5 days, was a concession to the strong reactions to the proposed Act. (In post-independent India the period has been raised to one month before and one month after.) Such modifications made it impossible for a couple on the run to sustain themselves for the requisite period without being found out and thwarted by the families. Finally, when the Act came into operation with its modifications in the minimum age for the girl (which was raised from 18 to 21) and an increase in the residence requirement, the process of criminalizing the love marriage by public opinion was well underway and it has remained that way ever since. This is made possible through surveillance of the couple, but particularly of the girl, which is always

possible under the residence requirement, and by disputing the age of the girl, claiming that she is under the age stated in the Act. Additionally, the husband can be charged with abduction, and with rape. The girl can on frequent occasion be charged with abetment to her own abduction! All this to prevent a 'love marriage' from being legalized (see Chapter 9 for a fuller discussion).

CASTE MOBILITY AND GENDER PRACTICES

An important dimension of the caste mobilization and the attempt by lower castes to change their status was to create new norms for the gender practices of their respective castes. The high value to restrictive mobility and tight control over the sexuality of the women of the higher castes was regarded as a crucial basis for being granted the right to high status for the uppermost castes whether brahmana, kshatriya or vaisya. The control over female sexuality was in common even though other cultural practices might vary among these castes: meat eating, for example, among kshatriyas. It was to be expected therefore that upwardly mobile castes would adopt new practices for their womenfolk. In eastern India, for example, both the rajbansis, who claimed kshatriya status, and the chandalas, who adopted the name of namasudras, banned their women from going to the *hat*—the marketplace—and sell goods, which they had done earlier. They also advocated enforced celibacy for their widows, which even led to a split among the namasudras. Additionally, the rajbansis who had practised flexible marriage customs with bride price, divorce, remarriage, polygamy and polyandry sought to remove the flexibility of their marriage practices at the behest of their more prosperous landholding sections. Enforced monogamy for women in particular also played an important role substantiating the purity of the genealogical lineage of the caste, the creation of a pure unalloyed past which was being reflected in the new histories of these castes.¹⁶ On the whole these developments were a reflection of the aspirations of the men of these castes, and it is difficult to discern what women of these castes were thinking about these changes in their lives. One voice that we do have is that of Tarabai Shinde, a maratha woman, who noticed at least one of the changes, the adoption of the ban on

widow remarriage, and commented on it. Writing about the miseries in the lives of upper caste widows, she was scathing in her criticism of the custom of enforced widowhood 'spreading like wildfire' among castes like the marathas and others that had earlier permitted widow remarriage.¹⁷

LEGISLATING CONJUGAL RELATIONS

A significant arena of ambivalence, tension and perhaps even contestation during the colonial period, deeply impacting women's lives, was the newly constructed legal notion of 'consent' which came to underpin the law on rape and, by extension, on marriage. Although the legal notion of consent is neutral and could apply to both men and women—as, for example, in the context of a contract to buy and sell between majors—in a specific sense it came to congeal around women in a deeply gendered way. In India it entered the public sphere in 1861 when the first Age of Consent Bill was passed, making ten the age of consent in the case of girls for sexual intercourse even within marriage. The relationship between 'age' and the capacity to act autonomously, and act with discretion, which defined the legality of a contract, was in the context of marriage never a factor in the legality, or otherwise, of the marriage in India, given the marriage system. For a variety of reasons, as outlined earlier, marriages were in the past, and continue even today, to be arranged. Further, because of the widespread prevalence of child marriage the question of consent between the partners in a marriage could never actually be located in *the partners themselves* but in the fathers/brothers/guardians of the bride and the groom. An aspect of the tensions between a formal age defining the capacity to act with discernment and make decisions for oneself in relation to marriage could be seen in the clauses of the Widow Remarriage Act of 1856. Section 7 of the Act stated that if the widow was a minor whose marriage had *not been consummated* she shall not be remarried without the consent of her father, or her grandfather, or of her mother, or of her elder brother; violations of this section were punishable with imprisonment up to a year. However, if the widow was a major, or her marriage had been consummated, her own consent was regarded as sufficient to constitute her remarriage to be lawful and valid. The presumption here was

that only her own natal family had the right to decide a remarriage for the widow—that is, only her natal family could hand her over in marriage and thereby dispose of her sexuality in the eyes of the law. The minor widow whose sexuality had already been utilized and who was no longer a *kanya*—a virgin—could herself consent to a remarriage even though she was not a major. The capacity to consent here was linked to ‘no longer being a virgin’, suggesting that consummation of a marriage transformed a woman into a major. Thus if one was a virgin, consent must reside in her guardians who must arrange her marriage, and hand over her sexuality to be used by the person to whom it was ‘gifted’ in the *kanyadan*, whereas if one no longer was a virgin one could arrange one’s own remarriage!

THE HINDU WIDOW’S RE-MARRIAGE ACT 1856

Section 7: Consent to Re-Marriage of Minor Widow

If the widow re-marrying is a minor whose marriage has not been consummated, she shall not remarry without the consent of her father, or if she has no father, of her paternal grandfather, or if she has no such grandfather, of her mother, or failing all these, of her elder brother, or failing also brothers, of her next male relative . . .

Consent to Re-marriage of Major Widow

In the case of a widow who is of full age, or whose marriage has been consummated, her own consent shall be sufficient consent to constitute her re-marriage lawful and valid.

Other tensions and contradictions that the British administered laws introduced into the notion of consent in the context of sexual relations and marriage hit the public arena in the famous case of Rakhmabai. A brief account of the case is in order before we can proceed to the dilemmas it generated for the British, for the emerging middle classes, and for women in particular.¹⁸

Rakhmabai, a *sutar*, was married to Dadaji, also a *sutar* (the *sutars* were carpenters, and came to play a role in the house construction business in urban areas like Bombay as opportunities opened up). She was eleven according to the contention of her family and thirteen according to the contention of

Dadaji's family. Rakhmabai was the sole heir to considerable urban property as her father had died willing the property to her. Her mother was remarried to a doctor, who was well known in the circle of social reformers. Rakhmabai was educated and for the first few years of the marriage Dadaji lived in the house of Rakhmabai as a *ghar jawai*—a resident son-in-law, with the consent of both sets of families. Rakhmabai's family was to educate him too. Throughout this period the marriage was never consummated. After about eight or nine years he went back to live with his mother and uncle and sought to have Rakhmabai come to live with him. Rakhmabai refused to do so on the ground that he could not support her, was consumptive, and lived under the authority of a person with questionable morals. Thereafter Dadaji moved the court to seek 'institution', or restitution of conjugal rights, which had been introduced into Indian law in the 1860s; the plaint was that Rakhmabai should be 'ordered' by the courts to go and live with her husband.

A crucial issue that came up in the course of the arguments was the question of consent. Rakhmabai used the argument that she had not consented to the marriage as she was married when she was still a legal minor. The plaintiff's side argued that the issue of 'personal' consent was immaterial on the ground of infancy in Hindu law because under Hindu law girls were to be married before puberty. On the basis of the submissions the judge held that he could not compel Rakhmabai to go and live with her husband and forcibly consummate a marriage which she did not want to do in order to complete a 'contract' entered into by her guardians, on her behalf, while she was of 'tender' age.

Dadaji appealed against this judgement and the matter went into appeal. Among the arguments that came up at this stage was the anomaly of introducing the restitution of conjugal rights, which drew its principles from British ecclesiastical law where marriages were based on the 'free consent' of the partners. But the more serious dilemma was the one faced by the court of appeal at a moment when the press and the middle classes in India had dramatized the case. If consent was defined as intelligent consent freely given, as Macaulay had intended when he drafted the Indian Penal

Code which could automatically push up the age to 15 or 16, then all Hindu marriages would become invalid as they were predicated on the pre-pubertal requirement of marriage—that is, on the marriage occurring during what was described as ‘infancy’. If the court denied conjugality to the husband on the exercise of volition by the partners, on the ground that the wife had not consented, then no Hindu marriage would stand. Consent and pre-pubertal marriages were mutually contradictory; the law of the land, it was emphasized, did not require the girl’s consent. In her case the taking of consent was an ‘impertinence’. The bride was the subject of a contract not a contracting party herself, it was argued. The court was therefore forced to uphold the legality of non-consensual Hindu marriage as it existed in the nineteenth century and order the imprisonment of Rakhmabai for her failure to effectuate her marital obligations. Ultimately a compromise was worked out as Rakhmabai ‘bought her independence’ from Dadaji for the sum of Rs. 2000.

The judgement, although it satisfied the conservative lobby, was both an embarrassment to British judicial practice and was viewed as an outrage by Behram Malabari who had already begun a campaign both in India and England for an end to ‘infant’ marriage. He argued that Hindu marriage was a *sanskara*—a sacred rite—only when women gave *intelligent assent* to it. Others argued that no marriage among Hindus was complete without consent, although it might have been lost sight of in practice. The question of false and forced consent as a fundamental facet inhering in contemporary Hindu law thus became quite apparent in the public debate, and in the judgement. The whole issue of non-consensual marriages and the rights of husbands over their wives within them were severely tested in the Rakhmabai case but stood as far as judicial practice was concerned.

PROBLEMS OF LOCATING CONSENT

The Age of Consent controversy of the 1890s was an extension of the problem of the non-consensual Hindu marriage. When a young girl of eleven, Phulmoni, bled to death following sexual intercourse with her thirty-five-year-old husband, the British government decided to raise the age of consent from ten to

twelve for girls. Thus, if a man had sexual relations with a girl under the age of twelve, even if she were his wife, it would be deemed rape. What is notable is that it was not the age of marriage that was raised but the legal age for a woman to be regarded as a consenting partner for sexual relations, whether married or not—otherwise it was rape.

The Age of Consent Bill was the most fiercely fought issue between the colonial government and upper caste men led by Tilak who formed the spine of the Indian nationalists in the 1890s. It subjected the woman's body to the most critical gaze in the public sphere as issues of female sexuality, the medical development of a woman, age of puberty, and her preparedness for sexual intercourse and reproduction were bandied about in the press. The problem of locating consent—female consent—was particularly acute: was it to be puberty which varied widely, or a fixed age for all women, or the age of discretion? What was the relationship of women's consent to marriage? Could there be a relationship at all, given the marriage arrangements in Hindu families where fathers or other male guardians decided the marriages of their offspring. Why was Hindu marriage non-consensual in the first place, both according to law and custom? Regardless of the passage of the Bill the problem of women's consent continued to elide a decisive location in a woman's autonomy to decide for herself in matters of marriage and sexual relations. It is not surprising therefore that in terms of the law elopements could be presented as 'abductions', and women could be regarded as 'accomplices' in their own abductions. Communal fears increased these contradictions where widows who were forced to remain celibate often eloped with men, sometimes Muslim men. The agency of women, or their own oppressions as widows could not be recognized as factors in which widows might 'choose' to elope and therefore such cases would have to be 'recast' as abductions.¹⁹ In practice, since women's consent was regarded as invalid, patriarchal power in the field of marriage reconstructed (with the aid of the law) a girl who eloped as having been 'abducted' from the custody of her legal guardian. There was thus a convenient intersection of female consent and abduction in dealing with elopements. These legal categories and situations have continued to be an important

dimension of marriage in post-independent India too, as we shall elaborate in Chapter 9 and the Afterword.

LIMITATIONS OF REFORM

Other aspects relating to marriage and caste during the colonial period that we may note include the survival of the basic structures of both caste and gender practices. Neither the caste system, nor the structures of patriarchy/ies was subjected to a serious attack nor was a critique mounted on the fundamentals of social practices. The nineteenth-century social reformers (barring Phule), though well meaning, did not propose drastic structural change, except for advocating the remarriage of upper caste widows, which was justified as conforming to the shastras, but even so was a radical departure from existing practice. The reformers were basically positing a modification in forms of 'schooling' the women of their families by focussing on literacy and an updated means of grooming women to be their partners in the new society. At no point was the marriage system and its relationship to caste ever addressed as an issue; only Rakhmabai, herself the victim of a non-companionate marriage (a companionate marriage was not regarded as a privilege *women* were entitled to), referred to the relationship between caste and marriage—but that too obliquely. She wrote anonymously to the newspapers on the problems of child marriage and enforced widowhood and stated that the difficulties in the marriage system were exacerbated by the fact that the caste system *forbids inter-marriage*, suggesting thereby that women had no choice in finding suitable partners as the boundaries of caste circles had to be maintained. We must remember that the powerful means of disciplining individuals through excommunication by the caste to which an individual belonged was a very effective way of sustaining the practices of caste and endogamous marriages.

Given the continuation of the structures of caste and marriage in the lives of men and women in the nineteenth and early twentieth centuries, it is not surprising that it was only in the realm of fiction that the breaches in the endogamous marriages were visualized as part of the discussions on the oppressions of the caste system, especially for the dalits. S. K. Das refers to the 'literature of suffering' which focussed

on the travails of the lowest castes.²⁰ Fiction on caste issues dealt with themes like temple entry, the humiliation suffered by the dalit castes at the hands of the brahmanas and other upper castes, and, as an aspect of the romantic angle, sometimes brought in love across castes. Often these were involvements between a brahmana or an upper caste man and an untouchable girl but there were narratives also that brought in the 'forbidden' pratiloma or hypogamous relationship between an upper caste girl and an untouchable boy. An important work was that of Kumaran Asan, an ezhava from Kerala, who wrote a long poem called *Duravastha* where a namboodiri girl runs away during the Moplah revolt and is forced to take shelter in a dalit household. She then loses caste and realizes she can never return home. The girl is also moved by the moral qualities of the dalit young man and considers marrying him. This is a very radical move in the context of the caste system of Kerala where the sexuality of the namboodiri woman was highly regulated, and violations of the endogamous rule were severely punished. Kumaran Asan attacks the artificial distinctions between human beings and recommends the cultivation of love and compassion to end caste distinctions. Other novels like *Kokilambal* (1921) in Tamil and *Don Mane* (1938) in Marathi also dealt with the transgressive love between a brahmana or high caste girl and a low caste boy. Similarly, the novel *Bhalmanus* (1944) in Maithili, which became extremely popular, dealt with the archetypal theme of the frustration of love due to caste prejudices. It was argued by radical novelists that inter-caste marriages would be the greatest challenge to the caste system.

Because of the prevalence of caste distinctions and the tightly regulated marriage system, one of the more popular themes in Indian literature throughout the twentieth century came to be that of 'love frustrated', because of the rigidities of endogamous marriages. Love between communities, or between castes, was doomed to failure since any exercise of choice—or agency—that is, any relationship based on genuine consent of the partners, is 'interpreted as a defiance of patriarchal authority and a threat to endogamy'.²¹ However, as we shall see in Chapter 9, endogamy was never formally evoked

as a means of caste boundary maintenance but rather as the customs of families, household traditions and even the more abstract concept of our 'cultural' traditions. This was in reality a way of reiterating the entire structure of relations which reproduced the caste and patriarchal system with its attendant implications for the structures of production and reproduction. It was passed off as tradition, or culture, and most of all as 'honour' of the families of the upper castes, precisely because the power of the upper castes and the structures they upheld were interrogated by critiques of caste and by ideals and actions that tried to break down the boundaries.

NOTES

1. The preceding section is also drawn from my book, *Rewriting History: The Life and Times of Pandita Ramabai* (Delhi: Kali for Women, 1998).
2. M. N. Srinivas, *Social Change in Modern India* (Bombay: Orient Longman, 1972), p. 91.
3. Ibid.: 95.
4. Bernard Cohn, *An Anthropologist among Historians* (Delhi: Oxford University Press, 1987), p. 250.
5. Sanal Mohan, 'Theorising History in the Context of Social Movements: Challenges to the Reigning Paradigms of History'. In *The Struggle for the Past: Historiography Today*, edited by Felix Wilfred and Jose D. Maliekal (Chennai: Department of Christian Studies, University of Madras, 2002), p. 106.
6. Dick Kooiman, *Conversion and Social Equality in India* (Delhi: Manohar, 1989), pp. 148 ff.
7. Pierre Bourdieu, *Distinction* (London: Routledge, 1984).
8. Sekhar Bandyopadhyaya, 'Caste, Class and Culture in Colonial India.' *Indian History Congress Symposia Papers* no.1, Delhi, 1992.
9. V. Geetha and S. V. Rajadurai, *Towards a Non-Brahmin Millennium: From Iyothee Thass to Periyar* (Calcutta: Samya, 1998; rev. ed, 2008), p. xvi.
10. Vasudha Dhagamwar, *Law, Power and Justice* (Delhi: SAGE, 1992), p. 115.
11. Lucy Carroll, 'Law, Custom and Statutory Social Reform: The Hindu Widow's Remarriage Act of 1856.' In *Women in Colonial India: Essays on Survival, Work and the State*, edited

- by J. Krishnamurti (Delhi: Oxford University Press, 1989), pp. 1-26.
12. Prem Chowdhry, *The Veiled Women: Shifting Gender Equations in Haryana 1880-1990* (Delhi: Oxford University Press, 1994), p. 318.
 13. Ibid.: 93.
 14. Parveez Mody, 'Love and Law: Love Marriage in Delhi.' *Modern Asian Studies* 36, 1 (February 2002): 223-56.
 15. Ibid.: 238.
 16. P. K. Datta, *Carving Blocs: Communal Ideology in Twentieth Century Bengal* (Delhi: Oxford University Press, 1999), pp. 160-61.
 17. Tarabai Shinde, *Stri Purusha Tulana*, trans. Rosalind O'Hanlon, *A Comparison Between Men and Women* (Madras: Oxford University Press, 1994).
 18. The following section is drawn from my earlier work, *Rewriting History*, Chapter 3.
 19. P. K. Datta, *Carving Blocs*, Chapter 4; Joya Chatterji, *Bengal Divided: Hindu Communalism and the Partition* (Cambridge: Cambridge University Press, 1994).
 20. S. K. Das, 'Narratives of Suffering: Caste and the Underprivileged.' In *Translating Caste*, edited by Tapan Basu (Delhi: Katha, 2003).
 21. Ibid.

Caste and Gender in Contemporary India

‘How can I bend to the authority of a small caste woman?’*

Even before India became independent the caste question had fractured the representation of a consensus in the national movement: the leadership of Gandhi had been unchallenged in the main except for Ambedkar and to an extent by Periyar.

The dalit view of post-independent Indian society had led to a major confrontation between Gandhi and Ambedkar.

The critical difference could be seen in the issues raised by the two respectively—for Gandhiji the campaign against caste discrimination was focussed on the temple-entry movement, for Ambedkar it was the discrimination in the very access to a life-giving resource such as water, which the dalits were debarred from. The Mahad Satyagraha was therefore more important to the dalits than Gandhiji’s temple-entry, which had more relevance perhaps for the upper castes.

Unfortunately, as a consequence of the Poona Pact (1932) the caste question was *made* to conform to the Gandhian view. The Pact was a consequence of Gandhi’s fast against the grant of separate electorates proposed by Ambedkar in the early 1930s. Based on emotional blackmail, the Pact did not resolve the caste question on terms acceptable to the dalits.

* Dominant caste Kamma woman, Andhra Pradesh, 2001, on why she could not join a micro-credit group where some office bearers were dalits.

The Poona Pact is perceived as a great betrayal by the dalits and women still sing about what it has meant to the dalits. A song composed by a woman singer refers to Kasturba Gandhi coming to Ambedkar and pleading with him for the life of Gandhiji. This plea was difficult to resist and that is how the Poona Pact came about. They also sing about how Gandhiji made wearing khadi so central to his campaign and had he done the same with untouchability the dalits would not have continued to suffer degradation as they do even today.¹

When the Constitution was framed for post-independent India, Ambedkar was one of its main architects and the caste question was then sought to be built into the provisions of the Constitution. Untouchability was abolished; so was the practice of discrimination in any form from public spaces. What did not get carried was another provision suggested by Ambedkar which was, 'Any privilege or disability arising out of rank, birth, person, family, religion or religious usage and custom is abolished,' a more radical way of containing the manifestation of caste in daily life. In a sense the Constitution makers were working with the notion that caste could not be abolished in toto, so the practice of caste was sought to be confined to the private realm, of course without any real success. In actual practice caste and caste discrimination including the practice of untouchability continues even in public spaces as the existence of what is called the 'two glass system' (one for 'untouchables' and one for the others) which is widely prevalent, and has been documented by activists of the Andhra Pradesh Civil Liberties Committee in the early nineties. Even from the public sphere caste cannot be banished so easily and never has been. The Constitution recognized and built into its provisions an attempt to create 'protective' discrimination for the Scheduled Castes and Scheduled Tribes who were at a disadvantage in relation to other social groups in Indian society. 'Reservations' as these provisions have been called—unlike in the USA where the term 'affirmative action' has been used instead—have been disapproved of by the upper castes who have never conceded the validity of such provisions, and have decried them on the ground of dealing a death blow to the 'merit' principle.

Changes in social and political structures following independence, the varying transformations in landholding patterns through land reforms, and the emergence of a new class structure in parts of India through the rise of various

tenant castes into the ranks of the landholding groups, have also translated into what is called backward caste (BC) politics. The dalit castes, at the bottom of the hierarchy, have hardly experienced substantial change. Large sections of their ranks remain a class of toilers; being landless they have only their labour power to sell and continue to have very little access to education, to health and to secure livelihood. Contradictions in the rural countryside are now often between the upwardly mobile middle castes and the dalit castes who work for them. These castes are unequal to the 'forward' and 'backward' castes in everything except in sharing the right to vote with them in formal terms—even though they are often unable to exercise this right freely. Democracy and universal suffrage have thus in turn led to changes. Certain castes which are numerically strong and have gained economically are feeling empowered. Others, which were of high status and had wielded power in the past, are feeling threatened by the loss of their power and the dent in their unstated reservations in the political system and in educational institutions in the past. The entire structure of class and caste linkages are being reworked under new social processes. For example, the historical advantages of the upper castes in relation to education and professional occupations through making use of opportunities provided by the colonial regime—as they were already advantageously placed—means that they continue to wield enormous social power. Both men and women of the upper castes share in this even as upper caste men would have a much greater advantage in comparison with upper caste women. Nevertheless, the upper caste woman is invariably better placed than the lower caste man in terms of access to education and employment as she not only has a more secure economic location but also possesses cultural capital. But at the same time the growth of the middle class in general also implies a certain opening for castes lower down the line, always however unequally available to the lowest and most impoverished castes. Globalization will further exacerbate the situation as opportunities will open up for some but increase the distance between castes for others. Competing interests between castes, therefore, is a fact of life—if the caste system continues as it has, so will the tensions between castes whether castes are enumerated in the census or not.

DALIT POLITICS

Dalit assertion is also an important aspect of contemporary politics: in the seventies the dalits were deeply influenced by the Black movement in the USA, especially by the radical Black Panther movement. At the cultural level, drawing from the experience of cultural oppression, the Dalit Panther movement of western India has foregrounded the caste question and forced the attention of the liberal intelligentsia, and the academic community, especially in Maharashtra, to take cognisance of the issues they have raised. Both dalit men and women have written powerfully of their experiences of caste oppression. In public debates led by the upper caste middle classes, the caste question is sought to be reduced to a battle over reservations. But at the level of people's movements and the women's movement, the existence of caste-based oppression is now being recognized, at least to an extent, and attempts are made to factor caste into conceptualizing oppression. The Left, especially the larger and older parties, has been less ready to rethink its understanding on the basic nature of contradictions in Indian society or how to bring caste oppression into its framework of analysis. Believing that current fora do not speak for them, whether at the level of recognizing the specific forms of oppression that dalit women experience or the inability, or the tardiness, of the women's movement in giving the caste question its due, dalit women have taken the initiative to set up the Dalit Women's Federation. This has forced the women's movement to address the caste question. Further, dalit feminists have formulated the position of the three-way oppression of dalit women:

- (i) as subject to caste oppression at the hands of the upper castes;
- (ii) as labourers subject to the class-based oppression, also mainly at the hands of the upper and middle castes who form the bulk of landowners;
- (iii) as women who experience patriarchal oppression at the hands of all men, including men of their own caste.

The dalit woman's voice is now being heard, perhaps for the first time, as a force in politics but not yet as seriously as it should.

CASTE IN POLITICS

Caste has made its presence felt at another level too. The last two decades have witnessed the emergence of caste-based parties; the open appeal to caste identities that prevails now has grown with the collapse of the more implicit appeal to caste under the earlier Congress regimes which passed themselves off as a broad consensus of competing interests. This 'regressive' face of caste—as a factor in electoral politics—comes in for immediate condemnation by our secular-liberal intelligentsia, which never fails to articulate its horror of caste-based politics in social science writing, in classrooms and in the media. What does not come in for any condemnation, and perhaps is consciously erased from notice, is the vibrant continuation of caste practices in the arranging of marriage—of ensuring an unchanging structure of social reproduction—so evident in the matrimonial columns of our newspapers. It is this one-eyed vision of caste that enables the hypocrisy underlying the anti-Mandal agitation with which we began this book. Further discussions on this issue will be taken up later. Let us first explore the other changes taking place in contemporary caste society in the context of gender.

WOMEN'S COMPLICITY IN THE CASTE SYSTEM

The process and the mechanisms by which women internalized certain values such as stridharma, or the appropriate codes of conduct for women, and came to invest in them, thus becoming complicit in reproducing the whole structure of inequality in which caste and gender were inextricably linked, have been discussed in Chapter 4. It is useful now to examine complicity a little more closely and see how it works in our everyday lives in contemporary times. It is fairly evident that women are not passive recipients of forces acting upon their lives but deploy their agency in a variety of ways. However, we need to remember that agency does not exist in a vacuum: to a large extent ideological and material structures shape the way agency can be expressed by women.

Why do women become complicit in systems which subordinate them? If we look at women today their lives are located at the intersection of class, caste and patriarchy/ies. These structures can all work to oppress them, as in the case of dalit women, but most other women are located in a way

that they can be both subordinated and also wield a degree of power. This is so especially if women belong to an upper caste and have access, through their menfolk, to economic resources and social power. So while women lose in relation to their own menfolk, within a patriarchal situation, they derive certain benefits from the system of which they are a part. Further, these benefits are available to them only if they conform to the patriarchal codes of their families and communities. Compliance brings them gains, both material and symbolic. Deviance, on the other hand, expels them from the material resources of the family, of which they can partake only on condition of 'good' behaviour.

The compliance of women, or the consent they extend to structures that are oppressive is however 'invisibilized' under the seemingly more neutral notion of upholding 'tradition', or the specific 'cultures' of families, or of communities, then moving outwards to the Hindu 'nation' whose cultural repository somehow resides specifically in women. Women are regarded as upholding the traditions by conforming to them; men on the other hand *uphold* traditions *by enforcing* them—not upon themselves but *upon women*. The greatest impact of the upholding/enforcing of such codes is in the arena of marriage and reproduction. These, as we have seen throughout this book, are crucial if not the primary means by which caste is being sustained and reproduced as a system despite numerous changes in the public sphere. While many castes have been delinked from traditional occupations and moved out of their original habitats, it is in the field of marriage that caste continues to structure the lives of people. The survival of caste in turn continues to structure production, property and labour, especially in rural India, thus creating a circuit that reinforces the deeply embedded aspects of inequality inherent in the caste system.

Should we be surprised then at the uninhibited proclamation of caste identities in the pages of newspapers where partners are sought in the matrimonial columns or even on the internet? Should we be surprised at the conjunction of NRI partners with caste and other qualifications in these advertisements? Are we exaggerating the links between arranged marriages and property, status, production, labour and reproduction while looking at something as 'harmless'

or 'amusing' as matrimonial columns? Let us take a look at Figure 9.1, Matrimonial Columns, and we may be able to see how caste still governs our lives.

At the end of the day we must recognize that it is not just reservations or caste-based electoral politics that is keeping caste alive but rather the very factors that we have just mentioned: unequal control over property, unequal performance of labour and the endogamous marriage system, which still bounds/binds production and reproduction together.

Figure 9.1 Matrimonial Columns

BRIDES WANTED	BRIDES WANTED
Alliance invited for Chennai based Architect Affluent Reddy boy B. Arch, 24 yrs, 175 cms Good looking, smart, from Beautiful, Qualified girl below 22 yrs of the same community and similar status.	D E S H A S T H A M A H A R A S H T R I A N BRAHMIN groom 29/175, handsome, M. Tech, software engineer, stable, USA trained with handsome salary, looking for a beautiful, fair, tall, educated girl, upper caste no bar. Send horoscope and photograph.
IYER BRAHMACHARANAM Kashyapa Moolam B.E. 28/178 Software engineer, USA fair, handsome, teetotaler, confident, ambitious, humorous. Seeks fair, slim, good looking, homely girl with pleasing personality minimum graduate, height above 163 cm, age below 25.	IAS ALLIED SERVICES B.E. IAS officer, outside Tamil Nadu cadre, fair, 27 years, 174 cms, Tamil, Hindu, SC AD seeks 23-25 years, fair, good looking, tall girl, IAS allied services, professional PG status family only. Horoscope and photograph a must.
REDDY 26/157 Arudhra doing MBA in USA (visiting in December) Seeks alliance from REDDY/REDDIAR studying or working in USA/Abroad. Reply with horoscope and bio-data.	SC AD Hindu 37 years, DM PSU 17,000/ seeks suitable groom. Caste, religion, language no bar.
ALLIANCE INVITED with horoscope and bio-data for Nambiar boy 33/170 B.E. MBA, Sudha jatakam, vegetarian, senior executive MNC, from parents of educated, religious minded girls of same/allied castes prepared to settle anywhere.	BALIJA NAIDU inter-caste parentage (mother Bengali Brahmin) girl, 26/164, star jyeshta, smart, fair, good-looking, convent educated, studying MS in USA seeks well educated and professional groom settled in USA, caste no bar. Girl visiting Hyderabad in December 2002.

The importance of endogamous marriage, in cementing, holding blood within a bounded group, and keeping one group distinct from the other, was recognized by Ambedkar. 'The real remedy for breaking caste is inter-marriage. Nothing else will serve as a solvent of caste,' he emphasized. Thus the problem of the bounded nature of the circulation of women is explicitly tied to the formation and persistence of caste.

The larger matrix of family culture too needs to be addressed because it is within this that particular castes enact their everyday rituals—of worship, marriage rites, and food. Leela Dube, the noted feminist anthropologist, has argued that women play an important role in maintaining caste boundaries through the preparation of food and in maintaining its purity. The bodily purity of upper castes is believed to be linked to what is ingested—so what is eaten, how it is prepared, and how it is served, plays a crucial role in the purity of the men of the family and of the caste. In Dube's words:

Food constitutes a critical element in the ritual idiom of purity and pollution . . . Women, key players in the process of socialization, are also principal protagonists in this arena. The task of safeguarding food, averting danger, and in a broad sense, attending to the grammatical rules which govern the relational idiom of food, falls upon women. The concerns of purity and pollution centring on food begin at home. The principles of caste involve a clear distinction between the domestic space/home and the outside world . . . Women's practices in relation to food play a critical role in the hierarchical ordering of castes. The place of women as active agents and instructors in the arena of food and rituals also implies that women who command its repertoire of rules gain special respect . . .²

Thus we see that whether it is conforming to codes of conduct, the upholding of family traditions, and more specifically maintaining the purity rules in the kitchen, women who conform are honoured and respected; at the same time they perpetuate caste and its restrictions in their everyday lives.

Women's investment in the practice of the caste system is not confined to marriages according to norms of their families and communities, or to maintaining the purity of the food and rituals, though both are related to the internal organization of the household and its reproduction, and in maintaining its

power in the economic and public domain. The anti-Mandal slogans of women students are not an isolated expression of upper caste women's reaction to a perceived threat to their power as a caste. It has much wider reference to the relationship between caste and patriarchy, as well as women's material location in a complex structure which both expects compliance from women and grants them a degree of power. We can see these factors being articulated within the caste and class contradictions of rural India. What is notable is that women's compliance to structures of caste and class is not merely passive but can extend to incitement of their menfolk to hold on to the unchallenged social power that they have wielded into contemporary times.

CASTE CONFLICTS AND WOMEN

RUPASPUR, 1971

Longstanding agrarian tension between rajput landowners who did not till their land because of caste norms and santhal sharecroppers who had been their tenants for many generations led to one of the first major violent eruptions in independent India in Rupaspur, Bihar, in 1971.³ The santhals had been part of a mobilization of sharecroppers that went back to 1937, which was resolved to an extent through the land reforms in Bihar in the early 1950s. The running class contradictions in the region led to many conflicts among which Rupaspur was significant because rajput women are reputed to have incited their menfolk to attack the santhal huts and to use violence against them. This show of force was necessary in order to keep them under control and to assert the power of the rajputs *as landlords* whose 'honour' was at stake. Their incitement had also taken recourse to the popular symbolic humiliation of men by asking the men to wear bangles, thus challenging their manhood. Typically, when the case was filed, the defence for the accused had transformed the onus of the attack from the attackers to that of the victims themselves, by accusing santhal men of insulting the womenfolk of the rajputs. They were charged with making obscene gestures at the rajput women. We can see here that gender is a factor in shaping the account of the incident—women's modesty being outraged, even if true—is reason for wreaking violence

when upper caste women are involved. Not so, if it is lower caste women as they are perceived as having no modesty in upper caste sentiment.⁴ Further, the upper caste woman can use incitement in defence of property and/or honour, of which lower caste women have neither according to the same sentiment.

TSUNDURU, 1989–1991

Tsunduru in Andhra Pradesh was the scene of a series of incidents culminating in the killing of 22 dalits. Transformations in the political economy of the region, educational and occupational changes in the lives of the dalits and agrarian tensions provided the wider context of the series of incidents in which both caste and gender were core issues. New arrangements of public spaces (which cannot be controlled in the same way as village streets) conflated with a perceived threat to the unchallenged power of the upper caste landowners underlay the tragic events. From the point of view of this work the powerfully written and suggestive essay of Vasanth and Kalpana Kannabiran can form the basis of discussion.

Among the points that emerge from the Kannabirans' account is the way caste and gender intersect to create a justification for violence by the upper castes against the dalits. In one incident the foot of a dalit boy accidentally scraped against a reddy boy in a cinema house, leading to the death of 22 dalits. Reddy girls claimed that a dalit boy purposely brushed against two reddy girls (leading to the knifing of the alleged assaulter by a reddy man). In another incident a dalit boy was said to have teased an upper caste girl on the street (he was killed for this alleged act). After the killing of the 22 dalits in Tsunduru, 300 upper caste women were reported to have marched in the streets declaring that their modesty had been outraged, serving to justify, in retrospect, the prior massacre of the dalits. Since dalit women on the other hand are not entitled either to respect or to autonomy, the upper castes can humiliate and execute summary justice according to their whims. For example, Muthamma, a golla woman—a dalit—was stripped and paraded naked for allegedly helping a reddy girl to elope with a golla boy. Nobody intervened; the dalit men covered their eyes, unable to bear the humiliation of

Muthamma, and the reddis derided the golla men for having no manhood. As the Kannabirans put it, the insult is double-edged: it indicates both the power to appropriate the body of a dalit woman and to castrate the lower caste man through the appropriation of his woman.⁵

The complicity of upper caste and upper class women in violence perpetrated by their menfolk against lower castes—both men and women—is disguised by their own class/caste interests but also by deeply internalized codes of ‘honour’ or ‘izzat’ as it called in the Hindi-speaking belt. Izzat is a wide-ranging concept, very masculine because even women of the upper castes cannot evoke izzat outside of how it is perceived by the men of their families or communities. Further, action to *uphold* izzat is always a *male* prerogative: women may only ‘incite’ action, as they are reputed to have done in the case of Rupaspur. Izzat, or sammanam or honour is a term that I am personally deeply uncomfortable with even when, as feminists, we may put it in quotes to distance ourselves from it. The very use of it implicates us in the meanings attributed to it by a patriarchal discourse and what it seeks to symbolize. Since violence is sanctioned as a way to uphold izzat, the use of the term masks its real meaning for those who experience the violence. In actuality, as we will see in the discussion that follows, the concept of honour in punishing those who are seen to ‘defile’ it is about maintaining the structures of ‘social’ power. This, as we have argued, is a complex formation to maintain control over land, status, and women’s sexuality intact. Social power then is located at the intersection of material power or class, status-based power or caste, and power over women or patriarchy *as they work together*. The concepts of dominance and dominant caste have unfortunately been treated as gender-neutral categories but they are in actuality deeply gendered and deeply permeated by patriarchal codes. I must emphasize that while class and caste have been seen as making for social power, patriarchal power has not. It needs to be *recognized* for what it does to the whole structure of hierarchy in India. But before we turn to the ways in which this power is being viciously manifested in parts of the subcontinent, we need to look at how ‘honour’ appears in its apparently ‘neutral’ and sanitized manifestation and particularly at the meanings attached to it by women.

THE NOTION OF HONOUR/IZZAT IN THE SUBCONTINENT

Honour is one of the most valued ideals in the subcontinental patriarchies whether Hindu or Muslim. Most communities pay constant attention to gaining and maintaining honour. In general, honour or prestige—izzat—is measured by the degree of respect shown by the others. No matter how much honour is ascribed to their particular caste, individual families can gain or lose honour through money and power. But since all families do not have money or power other aspects are also critical. A family can gain or lose honour through proper or improper behaviour—most critically through the behaviour of its women. In sum, actions that are appropriate, or according to the dharma, maintain the purity and honour of the family, lineage, or caste whereas actions that are inappropriate defile the honour and purity of the caste, family and lineage. Thus, because the purity of women is crucial to maintaining the blood purity of the lineages and also the position of the family within the wider social hierarchy, women are seen to have a special place in families. Women are the repositories of family honour—of their own family as daughter, and of their husband's family as wife and mother. 'The prestige of the family is in the hands of its daughter' is a common saying and oft repeated to girls by the parents and to married women by their in-laws. The implication is that if their conduct is dishonourable, women can ruin their families forever. The concept of honour serves as a link between the behaviour of an individual woman and the idealized norms of the community. By constantly evoking the twin notions of honour and dishonour, families either condition or shame women into appropriate and inappropriate behaviour.⁶

This somewhat benign notion of izzat along with women's own stakes and therefore their complicity in the material and social power of their communities, for those who have access to such power, creates the conditions for upholding the normative codes of their families and communities. Even those women who occupy the bottom rungs of the social hierarchy, and do not necessarily derive material benefits from their place in the social structure, share in the cultures of their castes and communities. They too have codes to uphold and marrying an appropriate partner, negotiated by male kinsmen, is as

much an aspect of their lives as it is for other women. The endogamous marriage is ubiquitous and is practised even by non-Hindus, as many such communities also practice caste and status differentiation.

This intricate web of social, material and cultural factors, which require the specific marriage structures that operate particularly in the caste-based societies in India to perpetuate the hierarchical systems in place, are deeply threatened by 'love' between partners as the basis of marriage. Once this is conceded as a principle, reining in the choice to suitable partners from within an acceptable circle becomes difficult. Elopements then are a way to demonstrate 'love' or 'choice' as families actually prevent or are seen as preventing these marriages from being made. This is ground upon which the 'criminality of marriage' is played out in India, as the work of Pratiksha Baxi and Parveez Mody shows, and elsewhere in the subcontinent as Neelam Hussain's work demonstrates.⁷ The classic pattern is that the elopements are contested by parents, especially of the girl, and almost invariably the girl's age—of being incapable of granting consent and as being still under the custody of her guardian—is brought into question. Parents file complaints against the husband, charging him with 'abduction' or of seducing the girl away from her lawful 'custodians' and the 'love' marriage, often surreptitiously entered into, is 'criminalized' in order to nullify the marriage. Abduction could also be accompanied by charges of rape if the girl's age is stated as under 18, the legal age for a woman to be able to exercise consent and contract a valid marriage. If the marriage is hypogamous, that is, between a high caste girl and a low caste boy, it will almost certainly be contested and criminalized; the whole weight of the police and even of the legal system works to uphold the cultural codes of marriage. There is widespread 'consent', in the sense in which Gramsci outlined it, within civil society to regard choice, particularly when articulated by a woman as *disruptive of the whole social order*: This creates a major anomaly. While the weight of new social forces celebrates, at least notionally, freedom of choice in buying, selling, and in the political system—freely elected parliaments, freely elected heads of state and so on—'whenever an innovation has to do with free choice of partners involving women, the whole social fabric seems to suffer a terrible tear'.⁸

The criminalization of love is to be seen as a response to such disruptive actions on the part of women.

The process of criminalizing love is apparent in the following cases:

IN PURSUIT OF LOVE⁹

This is the story of a love affair between Chetna, a young patel woman in Ahmedabad, and Roshan, a prajapati, a young Scheduled Caste man, who lived in the same neighbourhood. Chetna was only 17 and therefore still legally a minor when her mother chanced upon a letter written by Chetna to Roshan which made her feelings for him explicit. Earlier Chetna's parents had tried to break up the relationship between them. Angry at her daughter's 'recalcitrance' the mother threw Chetna out of the house and Chetna promptly went to Roshan's house. Even before Roshan could persuade her to return, Chetna's mother filed a complaint and accused her of stealing jewellery. Her mama [uncle], accompanied by his sons and a number of young men, arrived in Roshan's house, beat him up and demanded that Chetna should return. They also threatened to abduct Roshan's younger sister, who hid herself, in retaliation for abducting Chetna. The latter stood her ground and refused to go. The mama and his troop left but soon afterwards the police arrived, acting on the complaint of the mother who charged Roshan with abduction, with the motive of having illicit sex with Chetna. Chetna was charged with decamping with valuables from the house. Both Roshan and Chetna were taken into custody and beaten in the police station; they were also sent for a medical examination and bodily samples were sent for a forensic examination which 'established' that Chetna was still a 'virgin'. Roshan was arrested and secured bail a week later. Chetna was also arrested, and first sent to the Central Jail and then to a remand home till she was 18. She sat for her Class 12 exams from the remand home. Nine months later the police moved the court to drop the charges against Chetna.

After she turned 18 and the charges against her were dropped, she married Roshan. By the time the case came up for hearing on the complaint against Roshan, a couple of years later, they had a small baby. Her mother then changed her stance and agreed to a 'compromise' by not pressing the charge of abduction and rape against Roshan and suitably amending her story in court. At least in this case the story turned out to have a 'happy' ending but in the meanwhile both Roshan and Chetna—who was only 17—had been arrested,

beaten, and subjected to an invasive medical examination to rule out rape. All because the relationship was across caste—in fact it was transgressive because it was a pratilomic relationship, as the girl was from a higher caste, and the parents of the girl were opposed to it. It was regarded as a criminal connection according to caste norms, though perfectly legal according to the 1956 amendments in Hindu law. Since it could not be criminalized according to the extant marriage law, other criminal clauses were used to criminalize the relationship. The residue of what the young couple suffered haunts their narrative. Death executed by caste panchayats may be the worst articulations of violence related to inter-caste marriages, but there are other deeply scarring dimensions of violence in the manner in which inter-caste marriages are punished which go unnoticed by us.

LOVE DENIED

A-not-so-happy ending to a similar romance between a jat girl and a dalit boy of Narela was aborted after a legal marriage some months later. The couple had eloped and were untraceable for a few months while the girl's father, who had connections in the police, filed a case of abduction charging the dalit boy and his family of abducting the girl whom he claimed was under 18. The police picked up the boy's brother for questioning and beat him up. The brother then tried to mobilize women's groups, civil liberties groups, and the press to stop the harassment and make it possible for the couple to return to Narela. The boy's family circulated evidence of the girl's age by attaching her Class 10 certificate—widely regarded as an authentic proof of age for purposes of official records such as obtaining a passport or getting admission into college. A marriage certificate at an Arya Samaj temple and a statement by the girl of having chosen to marry the boy of her own free will, and that she had not taken anything from the father's house when she left it to get married, were also appended to petitions to various fora to intervene in the case. The way the documents were assembled suggests that the couple were seeking to pre-empt the standard charges against runaway couples who are pursued by their families.

It was at this point that I got involved in the case: another democratic rights activist and I went to the Police Commissioner's office in New Delhi. After a long wait at the office we finally got to meet the officer that we had been asked to see in this case. The response of the police official was to bark at me—I was the older of the two of us and could have had a daughter who was of the age to elope: 'Why are you

pursuing this case? If your daughter had done such a thing as this girl has you too would have pressed the same charges.' He was talking about a shared set of 'norms' that regarded such a marriage as *ipso facto* criminal. When we referred him to the girl being legally a major he went on to dismissing the Class 10 certificate as worthless; everyone knew how easy it was to fraud anything in this country. The only foolproof evidence he was willing to accept was a bone density test for the girl to undergo in order to establish her real age and nothing else!

We then went to the SC and ST Commission. We got a more sympathetic reaction here but there was really nothing that they thought they could do—there were hundreds of cases of violations of all kinds that they were confronted with. In the meanwhile the father's influence worked; the couple surfaced, and despite making a statement in court that she had married of her own free will she is now in the 'custody' of her parents. As of now her husband has filed a petition for the restitution of conjugal rights, while the girl is alleged to have given a statement that she had earlier acted under intimidation from the husband's side. The case is still on and at the moment the marriage of the couple is an abortive love marriage. In public discourse the endogamous marriage is still the norm, the father still decides for the girl (and the boy too), even as the edifice of such marriages are occasionally interrogated by young men and women in pursuit of self-choice.

While the police and the courts may not overtly strike down the 'choices' made by women in the context of marriage, they subvert the legal provisions governing marriage through the 'great universals' in the unwritten codes to which they subscribe: 'morality', 'family', 'filial obedience' as seen in the context of religion-based traditions and notions of 'cultural identity.'¹⁰ Occasionally the honourable judges may also indicate that consent in India was never meant to apply in reality to the partners contracting a marriage: A judge of the Madhya Pradesh High Court observed even as late as 1992, and this sentiment would be widely shared even today: consent in the context of a Hindu marriage includes a consent 'to marriage given by a spouse through his/her parents, elders in the family, and other friends and relatives.'¹¹ Although this judgement suggests the validity of consent on behalf of the partners by parents as one of the acceptable ways of locating consent, in reality this is the only notion of consent that operates in the

minds of most people. A valid marriage in the India that practices caste remains one that is negotiated and contracted by the parents on behalf of the actual partners in it.

In the foregoing discussion we have outlined the violence and uncertainty experienced by some young couples for forging socially transgressive alliances in the urban areas. However, in the examples just cited the violence, though reprehensible, falls short of actual killing, although these do occur even in cities. Both in cities and in rural areas social transgressions are also perceived as tempered by caste and class hierarchies such that when an upper caste/class man desires a lower caste woman, and rapes or seduces her, the act is regarded as violative of the caste norms of permitted sexual relationships, but is accepted or even naturalized. Feminist research has shown that 'dalit women's bodies are seen as collectively mute and capable of bearing penetration and other modes of marking by upper class/caste hegemony without the intervening discourse of desire because of the over determination of this violence as "caste privilege"'.¹² While in recent years mobilization by dalit and Naxalite groups has focussed attention and created the basis of resistance on the issue of rape, or the abuse of the lower caste woman's sexuality, that is, on the naturalness of this 'privilege', there is no vocabulary as yet by which the lower caste man who desires an upper caste woman, and who in turn desires him, can express this publicly.¹³ Certain modes of desiring are prohibited and have been regarded thus from the time caste itself is referred to in the brahmanical textual traditions. The very mention of such a possibility can lead to violence: thus a statement made during a speech after the murder of a dalit woman that dalit men should seek brides from the upper castes let loose a wave of repressive violence in which 30 people were killed.¹⁴ There is thus a close connection between caste, desire, and patriarchy which undergirds the possibility or impossibility of love and marriage in caste society. The nature of caste-related violence also points to this connection.

Given these structures of love and desire when the lower caste man dares to fall in love or enter into a relationship, or elope with and marry a higher caste woman, he is thus still subject to the *collective power* of the upper castes who will stop at nothing to punish the transgression. The last few years

have witnessed a spate of brutal killings of such couples (see Afterword). Since a woman's sexuality is still under patriarchal and caste control, and still requires to be formally transferred from father to husband, these killings have the explicit consent of the community, especially that to which the woman belongs.¹⁵ Thus while the lower caste man is killed, even the 'erstwhile' daughter (who loses her status as daughter through her transgressive relationship) of an upper caste household is regarded as someone who must die for her sin of violating the prailomic codes of marriage. Both men and women of the upper castes uphold this gruesome ideology of 'private' justice, or rather retribution, to deal with 'errant' couples who violate the norm of endogamy—no matter what the law says about the legality of such relationships. This brutal and informal application of the death penalty upon young people is yet to receive the serious attention of human rights activists in India, although it has been the basis of a campaign in Pakistan where the slogan has been: There is no 'honour' in killing.

What is now routinely called 'honour' killings (both in South Asia and among South Asian feminist groups in the United Kingdom) first hit the headlines in a big way in India with the Mehrana killings in 1991. Roshni, a jat (the dominant caste in western Uttar Pradesh) girl of the village, eloped with Brijendra, a jatav boy, regarded as a low caste in the region, assisted by his friend. All three were caught. The jat panchayat sat all night and passed a judgement on the 'errant' couple and their friend: under its decree they were tortured all night, hanged in the morning, and then set on fire. The entire village is said to have witnessed this brutal murder. When the story broke and the press came to investigate, the villagers, both men and women, including family members of the girl, defended the action on the ground that it was necessary to restore the violated 'honour' of the family and the community. Even jat peasant leaders regarded the 'punishment' as justified. Needless to say no male political leader of the country publicly condemned the killings—or scores of other similar cases. It is as if a woman who is regarded as violating sexual norms of her caste is not a citizen of the country and entitled to the right to life that the Constitution of India gives to all its citizens. In other cases the punishment

meted out extends to those who may extend support to the 'transgressing' couple: for example as mentioned earlier, a dalit woman was stripped, beaten and paraded through the streets for aiding a runaway couple.

In another case in North India, in a village named Ali Nagar near Muzaffarnagar, a jat girl, Sonu (the region is a predominantly jat belt), was seen with a brahmana boy, Vishal, under a neem tree; they were both killed in August 2001. They were in their teens and were believed to have been in love with each other, and had been to the same school. Sonu was killed by her father for 'wrongdoing' and for bringing shame upon him; he thrashed her, put a rope round her neck and killed her. Once Sonu was killed, Vishal's brother was called upon to do the same to Vishal and he readily complied. In 2002 the judge sentenced four people to life terms including Sonu's father and Vishal's brother. Sonu's mother and Vishal's sister-in-law were said to be present when the killings took place. But while no one in the village claims to know anything about what happened—no one from within the village is usually willing to give testimony to such incidents—many will defend the need to punish 'errant' couples as Bhopal Singh did in this case. His statements give a clue to the way people think: 'People in this village live *within their caste*. Big people like Indira Gandhi can afford to marry whom they please, but we do not. If something happens to my daughter I will have to do something about it,' says Bhopal Singh. The judge recognized the deep-rooted prejudices of caste, and said, 'Villagers here consider such incidents as a blot on the social standing of their village.' He upheld the charges against 4 of the men named, let off 8 others, and particularly let the women off on the ground that since women's opinion carried no weight in the panchayat decisions they could not be held to be complicit in the crime. As Pamela Philipose, who visited the village after the judgement, wrote:

While the local cinemas celebrate Bollywood's latest essay on young love, under the neem trees of Ali Nagar, deeply entrenched and horrifically cruel caste hierarchies script another story. There, only the pregnant words of Bhopal Singh hold sway: 'If something happens to my daughter, I will have to do something.'

—Indian Express, 18 August 2002

Brutal killing then is the communitarian¹⁶ response to the 'oppositional agency' of women who may attempt to renegotiate the traditional boundaries of their lives.¹⁷ Such women are given the 'death penalty' with no qualms by their own families and communities. It appears that as the norms of the caste system and its marriage patterns are increasingly disturbed through social changes—upward mobility, caste assertions, changes in the land and occupational structures, and political transformations—the virulence with which the control over female sexuality is asserted increases, as these cases show.

CONTINUING REALITIES: THE RESILIENCE OF THE CASTE SYSTEM AND BRAHMANICAL PATRIARCHY

To sum up we need to take note of the continued resilience of the caste system and brahmanical patriarchy, despite the constitutional guarantee of social and political equality to all citizens. The broad congruence between caste and class has continued into contemporary times. Local dominance in rural India combines landholding and caste status with access to state power. These are the factors that account for the social power of the dominant castes which enables them to have a continued hold over the landless labouring poor, largely comprising dalits. Caste and class links have made it possible for dominant groups to appropriate, in a sense, 'the paraphernalia of the state'.¹⁸ This is marvellously brought out in dalit writing such as 'The Paddy Harvest', a short story by Mogally Ganesh, which is a sharp indictment of state agencies and their partisanship for the upper castes.¹⁹ The Constitution has formally ended caste-based discrimination in public spaces, but it has neither broken the hold of the upper castes on material resources nor their hold over the state machinery. Consequently the enforcement of the non-discriminatory provisions in public spaces remains a dead letter because the enforcers themselves, in many cases, subscribe to the ideology of caste. At the same time, brahmanical patriarchy remains intact because men and women uphold the principle of endogamous marriages, even in urban India, as we can see all around us in the way marriages are carefully arranged to uphold material and status interests. Even the Constitution can do nothing about marriage practices! Women of the upper

castes may experience gender-based discrimination but they also share the material resources and the ideology of the men of their caste. At the other end of the hierarchy, dalit women and men remain the most vulnerable sections of our society, with the oppressions of the dalit women far outweighing that of their men. The existential reality of caste continues to be a phenomenon of our society, even though some of its contours may have changed. The upper caste male who wields the maximum amount of power is still the most privileged segment of our society. At the opposite end is the dalit woman who, when she is also poor, is the most vulnerable person in the scale of power, subject to multiple forms of exploitation, including sexual exploitation, at the hands of the upper caste men. The tragedy of our times is that this exploitation is so routinized that when incidents of violation of the rights and personhood of dalit women, including sexual assaults, make it to our newspapers they do not evoke the reaction that they should in any civilized society. Only a few incidents make it to our newspapers and get taken up by activists—when they do they expose the reality of caste. Three cases, among many others, have succeeded in making a dent in our consciences in recent times and are briefly outlined.

MATHURA

The first case of sexual assault in which social power was a factor was the rape of Mathura, a young tribal girl, in the Chandrapur district of Maharashtra by policemen in a police station, where Mathura had been called in for questioning, making it a case of custodial rape. The charge of rape was rejected by the trial court on the ground that Mathura had 'consented' to sexual intercourse as there were no bodily marks to indicate 'stiff resistance'. The court also found that Mathura did not conform to the understanding of the judges of a chaste woman as she had allegedly had sexual relations with her fiancé. Therefore she was not the normative Hindu woman from an upper caste who was required to be a virgin—a *kanya*—till she was married. The High Court on the other hand upheld the charge of rape. But when the matter went to the Supreme Court the charge was dismissed again. This led to an open letter to the chief

justice written by four law teachers and marked the beginning of a nationwide campaign on custodial rape in which women's groups and other democratic groups participated. Although Mathura's rape charge was still not upheld, even by the Supreme Court review, the question of the rape law as well as the specific question of custodial rape was taken up in real earnest by women's groups. The Mathura case began a phase of feminist legal activism that has continued in varying degrees since then. Mathura herself, however, never got justice.

PHOOLAN DEVI

The case of Phoolan Devi and her rape by upper caste men is significant at another level. Phoolan's life would have had parallels in the lives of many other women of her social location but what made her experiences so notable was her career as a dacoit. In fact, her position as the leader of a dacoit gang and, according to the legend, the revenge she sought against her rapists by killing 23 men of the village in which she had been allegedly raped, made her a dramatic figure, difficult to dismiss from public notice. The public ceremony of her laying down arms, and later her career as a politician added even more drama to her life, and her story has circulated widely both in print and through the film *Bandit Queen*. Phoolan Devi's murder in 2001 consolidated her image as a doomed woman who never could rewrite the script of her life in a way that made up for her vulnerability as a poor low caste woman, subject to the power of upper caste men. She began her life with this vulnerability and could never escape from it, even though she wielded a gun for many years. While women's groups did not actively engage in mobilizing opinion on Phoolan Devi (except when the film on her life became controversial) the media attention she drew and the folklore that was built up around her did focus on the oppressive caste system as it operated in rural India.

My regular taxi driver, a malla from Uttar Pradesh like her, never failed to tell me some little story of her life, some account of what she did for women. On one occasion I was going to a political demonstration and he told me that if Phoolan was alive she too would have come to our demonstration! Her

life was perceived by many as a crusade against both caste and patriarchy.

BHANWARI DEVI

The last of the three examples cited here of the way class and caste power work to act upon a dalit woman is that of Bhanwari Devi, a sathin in the Women's Development Programme of the Government of Rajasthan. Bhanwari was gang-raped at the behest of the prominent gujjars of her village whom she had antagonized by daring to try and prevent an infant marriage from taking place in a gujjar household during a government directed campaign against child marriage. Bhanwari's position as a low caste woman who had not only tried to empower herself and the women of her village, but was also perceived to have thereafter challenged the powerful men of her village, had met with severe reprisals. Although women's groups in Rajasthan, and across India, were involved with the campaign to ensure justice for Bhanwari and punishment for the culprits, Bhanwari was also targeted by powerful men—and women—of the state Bharatiya Janata Party which was the ruling party then. She (not her rapists) was accused of bringing a bad name to Rajasthan. When the judgement at the trial court came it confirmed the continuing and unchallenged power of the upper castes in the state machinery. The honourable judge rejected the charge of rape. He argued that it was impossible to believe that Indian culture/rural culture had reached such a low state that a gang of men above 40 years in rural India, belonging to different castes, would have joined together and stooped so low as to have raped Bhanwari, a 'low' caste woman. (Village India was pristine and pure in his view! Also rape was a malady afflicting only teenagers.) Bhanwari was pronounced to be an unreliable witness, who probably had sexual relations with men other than her husband, in the judge's reading of the medical 'evidence'. The deeply held beliefs of the upper castes could pass off here as judicial pronouncements simply because of the power of the position occupied by the honourable judge. The matter is in the High Court at the moment but whether Bhanwari will get justice is a moot question

given the balance of caste, class and patriarchal forces that prevail to date. (We must remember that the statue of the 'honourable' Manu, propagator of the reprehensible codes for women and the lower castes, graces the High Court premises in Jaipur—perhaps the only place in government premises in contemporary India to honour Manu so!)

In all three cases just cited, which do not in any way exhaust the reality of the range of oppressive practices that dalit women experience (being merely the most visible and better known incidents) we can see that the violence inherent in the caste system extends also to use of violence to enforce the caste-based gender codes. Despite two decades of legal activism by dalit groups to address the specific context of oppressive social power of the dominant upper castes and classes, we seem to be back to the days of the Mathura judgement. In a recent judgement on a case of rape (*Pappu Khan vs State of Rajasthan*) filed within the ambit of the Scheduled Caste/Scheduled Tribes Atrocities Act, a judgement has held that the rape of a tribal woman has nothing to do with her status as a poor tribal woman (even though the judge acknowledged that the rapist was fully aware of her tribal status) but is merely a consequence of being overwhelmed by his 'lustful' feelings.

These dramatic and well-known instances of sexual assault, starkly revealing the power of the upper castes over the dalit woman, should not cloud us into thinking that the only, or the major way, in which class, caste and patriarchy intersect to oppress dalit women is through sexual assaults. Material deprivation and humiliating and degrading conditions of interaction with the upper castes are both relentless and routinized in the lives of dalit women and form the everyday practices through which they experience caste, as the accounts that follow reveal.

Urmila Pawar describes the poverty of her childhood, the early death of her father, her mother's strong desire to educate her so that she could seek an exit from the life of degradation, which was the normal lot of the dalits, and her early experiences of caste biases. The following paragraphs have been extracted from *Ghosh Seshvachi: A Childhood Tale*.

Ayee wore a tattered nine-yard sari that only came up to her knees. She sat in a corner of the courtyard weaving baskets—big ones, small ones, wide ones, and shallow ones. Even when one woke up in the morning, she could be seen sitting in the courtyard, weaving a winnowing fan or a sieve. One could see her like that till one went to sleep at night. In between she would meddle around near the kitchen fire. That's it. If it was father's legs that moved [he was always going somewhere] with Ayee it was her hands.

Ayee often asked me to deliver the baskets to people's homes. Those people would make me stand outside the door, sprinkle water on the baskets before picking them up. They would drop money onto my palm from above. Was their hand going to burn and turn black if it touched mine, I wondered? If there was a child from my class in the house I would feel so ashamed, it was worse than death itself...

One day Urmila returned from school crying as her teacher had beaten her up for refusing to be treated as a remover of dung, a routine way in which she was humiliated in the school until then. Urmila's mother was infuriated and confronted the master:

'Guruji, my daughter studies in your school, right. Why did you beat her so much, see, just look at her cheek.' [And when the guruji weakly began to give an explanation she turned on him with ferocity.] 'You are so well educated and yet you talk like a small child. Look here, I am not educated, I live under this tree, by the roadside, with my children like an exile. Why? So that they can study, become important people. And you harass the girl like this?' Ayee was speaking incorrectly, ungrammatically. In a loud voice she was threatening guruji, 'After this, if your finger so much as touches my daughter, I will see to it that you will never walk on this road again . . . '

After that day many things changed, collecting dung and guruji's beatings were no longer a part of my fate and destiny . . . And I began to look upon my mother as a tremendous support.²⁰

In a powerful autobiographical work *Karukku*, Bama, a dalit Christian girl of Tamil Nadu, describes her first experience of a caste conflict in her village in early childhood, a conflict that introduces her to the workings of state power and its relationship to caste and class. The dalit paraiyars of the village were arrested while the higher and better off caste of chaliyars were not.

The crying and shouting didn't come to an end until evening time. But then in the evening the whole street was as still and as desolate as a cremation ground. Not a single man could be seen. Only the women huddled here and there, whispering among themselves. I couldn't understand anything. Nobody from my house spoke to anyone outside. We sat there silent. . . . Then Paatti [grandmother] arrived and explained to us what had happened. 'It seems that the Chaliyar invited some people from the "Reserve Police" all the way from Sivakasi, butchered a sheep for them and arranged a feast. Do we have such means? Here we are struggling just for this watery gruel. So how will the police or the government be on our side?'

Bama also describes her Paatti's life as an agricultural worker, a life of relentless labour.

Everybody says that my Paatti was a true and proper servant. She worked as a labourer to a Naicker family, but she was also a kot-thaal, she hired labourers for them, brought them to work regularly and supervised them and made sure that she received her wages. Except for Sundays she went to work every single day. Sometimes, if the Naicker insisted, she would rush through the service before daylight on Sunday and then run to work. She'd rise before the cock-crow at three in the morning, draw water, see to the household chores, walk a long distance to the Naicker's house, work till sunset and then come home in the dark and cook a little gruel for herself.²¹

Bama was deeply marked by the discrimination she experienced as a dalit girl and went on to become a teacher. She joined the church in order to find a space that was not marked by caste but was disappointed in this too. Finally she left the church and continues to search for a way to live with dignity.

RETELLING OF MYTHS

The Dalit movement has since the late 1970s actively contested the ideology and the oppressive practices of the caste system. Literature and writing have been a powerful means of depicting the experiential dimensions of caste in which both men and women have written powerful essays, poems, autobiographical pieces and short stories. The Dalit Panther manifesto published in 1973 reflects important themes in the thinking of dalit activists: dalits are described as those belonging to the Scheduled Castes and Tribes, neo-Buddhists, the

working people, landless and poor peasants, women and all those who are exploited politically, economically and in the name of religion. Among the friends of the dalits are revolutionary parties set to break the caste system and class rule and Left parties that are Left in a 'true' sense and all other sections that are suffering due to political and economic oppression. The enemies of the dalits are listed as landlords, capitalists, moneylenders and their lackeys, and those parties who indulge in religious and casteist politics and the government that depends on them. The manifesto declared that the movement would hit back against all injustice perpetrated on the dalits and also swore to destroy the varna and jati system. It was the Dalit Panther movement that drew attention to the need to re-define the oppressed and exploited castes as dalits rather than be defined by the patronising term of Harijan, the name given to them by Gandhiji.

Among the creative expressions of the dalit literary movement which tied in with the new self-definition of the dalits was the rewriting of myths. Two such re-tellings deal with Ekalavya and Renuka/Matangi.²² In one interpretation Ekalavya has been depicted as someone who betrayed his community by agreeing to give up his thumb, accepting thereby the brahmanical values. Another interpretation uses the metaphor of the blood of Ekalavya's thumb as a moment of recognition of the worth of that blood whereby a new resolve was created. In another version the narrative's end is recast as one where Ekalavya refused to give up the thumb and flaunted it at the upper castes instead.

The story of the sage Jamadagni and his wife, Renuka, recounted earlier, also has an interesting caste dimension to it. The sage had demanded that his son, Parshurama, should cut off his mother's head for her 'infidelity' which the son had dutifully complied with. In the retelling the sage is cast as a suspicious husband, forever policing his wife as husbands often do, and then being outsmarted by that ever philandering god Indra who was responsible for Renuka's fall from her elevated position as a chaste wife. We may recall that her fall occurred when she admired the good looks of a flying gandharva, whose form was assumed by Indra, as his image was reflected in the water below. Later, when Parshurama had

finished proving his filial devotion, Jamadagni asked him to seek a boon. Parshurama did and sought his mother's life. The sage said that it was impossible to revive her as he needed a head to put back on the body of Renuka. A passing Matangi became the victim, and her head was placed on Renuka's body who then revived. Matangi's head now sat on a brahmana woman's body and in a sense this new creation makes for the perpetually transgressive potential of all women, whether high caste or low caste!

The retelling of myths is only one dimension of the dalit standpoint. From the point of view of the feminist critique of oppressive structures, particularly patriarchy, an important issue that has arisen in the women's movement is the need to recognize the specific triple oppression experienced by dalit women and the difference between dalit women and upper caste women, a point that has been alluded to earlier. This has been outlined as the dalit feminist standpoint by Sharmila Rege.²³ Rege has thus provided a way to move beyond the notion of 'difference' from a narrow identity framework, in which we can all be locked into, to one in which individual feminists, whatever their birth-based identities—dalit or non-dalit—may be, can be transformed into oppositional and collective subjects who struggle against all oppression, from whatever quarters these may emanate.

NOTES

1. Sharmila Rege, 'Dalit Counterpublics', unpublished manuscript.
2. Leela Dube, 'Caste and Women'. In *Caste: Its Twentieth Century Avatar*, edited by M. N. Srinivas (Delhi: Viking, 1996), pp. 6–9.
3. The information on the incident in Rupaspur is derived from the field notes of Anand Chakravarti compiled in 1976.
4. It is only with class and caste mobilization in recent years that the rape and sexual abuse of lower caste women are being resisted by the dalits. The issue of izzat is central to peasant movements in Bihar under various Marxist-Leninist formations and in dalit movements. See Rashme Sehgal, 'They Don't Dare Abuse Anymore,' *Times of India*, 4 Oct. 1998.
5. Kalpana Kannabiran and Vasanth Kannabiran, 'Caste and Gender: Understanding Dynamics of Power and Violence.' In

De-Eroticizing Assault: Essays in Modesty, Honour and Power, edited by Kalpana Kannabiran and Vasanth Kannabiran (Calcutta: Stree, 2002), pp. 55–67. It is ironical that the dalits are meant to maintain their own internal caste boundaries. In September 2001 in a village in Bellary a dalit woman was stripped and paraded by the landed gentry for helping a dalit boy to marry a valmiki girl.

6. Martha Chen, *Perpetual Mourning: Widows in Rural India* (Delhi: Oxford University Press, 2000), pp. 22–23.
7. Pratiksha Baxi, 'Pyar Kiya to Darna Kya: Law, Love and Rape,' Chapter in *Public Secrets of Rape Trials in India* (New Delhi: Oxford University Press, 2014); Parveez Mody, 'Love and Law: Love Marriage in Delhi.' *Modern Asian Studies* 36, 1 (Feb. 2002): 233–56. Neelam Hussain, 'Narrative Appropriations of Saima: Coercion and Consent in Muslim Pakistan.' In *Engendering the Nation-State*, edited by Neelam Hussain et al. (Lahore: Simorgh, 1997), pp. 199–241.
8. Fatima Mernissi, *The Fundamentalist Obsession with Women* (Lahore: Simorgh, 1987), p. 5.
9. This account is from the field material of Pratiksha Baxi, collected as part of her book on rape, see n7. I am deeply grateful to her for so generously letting me use the story of Chetna and Roshan.
10. Hussain, 'Narrative Appropriations', p. 202.
11. Patricia Uberoi, 'When Is a Marriage Not a Marriage? Sex, Sacrament and Contract in Hindu Marriage,' *Contributions To Indian Sociology* n.s., 29, 1 and 2 (1995): 331.
12. Anupama Rao, 'Sirasgaon: Notes Towards Conceptualizing the Role of Law, Caste, and Gender in a Case of "Atrocity". In *Signposts: Gender Issues in Post-Independence India*, edited by Rajeswari Sundar Rajan (Delhi: Kali For Women, 1999), pp. 204–47.
13. Such desires may not only be expressed privately but also be seen as an aspect of a redefined dalit masculinity as the work of S. Anandi et al. shows: 'Work, Caste and Competing Masculinities: Notes from a Tamil Village.' *EPW* 37: 43, ws (Oct. 2002): 4397–06.
14. Gabriel Dietrich, 'Dalit Movement and Women's Movements'. In *Gender and Caste*, edited by Anupama Rao (Delhi: Kali For Women, 2003), pp. 57–79.

15. Prem Chowdhry, 'Enforcing Cultural Codes: Gender and Violence in Northern India'. *EPW* 33, 18 (10 May 1997): 1019-20.
16. Vasudha Dhagamwar, 'Meaning of Lynch Justice,' *Mainstream*, 25 Sept. 1993. Recently in certain writings and presentations some social scientists and activists have tended to celebrate the 'community' as an institution which will counter the inherent power of the modern state's oppressiveness. They, however, need to factor the power, patriarchal and social, wielded by the panchayats—a power that can kill someone for daring to love—into their argument on the community. As Asghar Ali Engineer argues, without respecting individual rights we cannot build upon a democratic culture: 'Marriage and Communalism.' *EPW* 23, 32 (1998). The implications of the working of the caste panchayats have been documented by Vasudha Dhagamwar. She points out that the non-formal legal system no doubt provides speedy (and familiar) justice. But when speedy justice turns into lynch justice leading to summary torture and death, where the judge, the jury and the executioner are all rolled into one, it is necessary to take stock of the workings of these systems. She also points out that the punishment in these non-formal systems falls heaviest on women. Traditional values make inroads into whatever little spaces women have in the formal legal system. As things stand, part of the control over women lies in the hands of family law institutions such as caste panchayats and another part is in the hands of the state. See her 'Invasion of Criminal Law by Religion, Custom and Family Law.' *EPW* 38, 15 (12-18 April 2003): 1483-92.
17. Hussain, 'Narrative Appropriations,' p. 204.
18. PUDR, *Bitter Harvest*, pp. 13-17.
19. Tapan Basu, *Translating Caste* (Delhi: Katha, 2002), pp. 12-24.
20. Urmila Pawar, Ghosh Seshvachi, trans in *Amhihi Itihas Ghadawala, Urmila Pawar and the Making of History* (Mumbai: Sparrow, 1998).
21. Bama, *Karukku* (Madras: Macmillan, 1992).
22. I am indebted to Gopal Guru for the retelling of the Ekalavya and Matangi stories.
23. Sharmila Rege, 'Dalit Women Talk Differently: A Critique of Difference and Towards a Dalit Feminist Standpoint Position'. Working Paper, Pune, Women's Studies Centre, University of Pune, 1998.

Epilogue

It is time to return to the beginning of our explorations: of the way caste exists at a fundamental level as a system of hierarchy and power in our lives and how little we recognize it. Of how it is masked as 'merit' in the reservations debate; or as the culture and tradition of specific communities. Or as a mere circle of marriage practices with no relationship to hierarchy or power. As a system of 'cooperation' in which each community develops skills and becomes part of a larger organ of exchange; of what people like to eat and what they don't. When regarded as bad, it is something like the 'vitiation of our electoral system'. Or it is regarded as preventing us from becoming good scientists and doctors because our institutions are infected with the virus of caste-based reservations. Often it is regarded as forcing us into a denial of our secular modernity through fixing us into categories of forwards, backwards, most backwards, Scheduled Castes and Scheduled Tribes.

In the face of such popular tropes about caste, the process of beginning to examine the linkages between caste/class and gender and how each of these axes shape the other is hardly simple, especially because we are all so strongly implicated in the system, whether we are aware of it or not, whether we like it or not. The complexity of the structure and its relationship to hierarchy, material basis and to violence is even more difficult to recognize, especially by those who occupy privileged positions in the system. For women and men who occupy the lower end of caste hierarchies, however, recognition of these structures occur from childhood; analysis may then seem an unnecessary intellectualism because the lower castes experience caste in their everyday lives much more directly, much more palpably. What may still be useful is to outline the relationship

between caste and gender so that we may find ways of addressing their workings jointly rather than severally.

The task of unravelling the relationship between caste and gender—of gendering the caste system—is even more difficult than recognizing their workings individually because the whole weight of domestic ideology is against such a recognition. Within families, schools, and even colleges the consensus model of the caste system prevails and here the naturalization of patriarchal models has not even begun to be interrogated. Most dangerous of all is the manner in which the powerful medium of TV is reproducing and consolidating the idea that the carefully controlled marriage system is the norm and needs to remain so in the face of challenges from a rapidly changing society. In this the medium of TV, especially in recent years, is a contrast to the valorization of love in Hindi cinema. By and large the question of the caste affiliations of the young lovers was systematically elided through the use of unfixable surnames such as Kumar, except in the case of Christian and Muslim protagonists. Thus the question of whether the marriage that was always the finale in the film was between two persons of broadly the same marriage circle, even though the marriage was not arranged by the parents, was always left ‘unmarked’. In contrast the caste affiliations of families in the TV serials, especially in the (in)famous Balaji productions of Ekta Kapoor are loudly proclaimed as Agrawals, Viranis, Kapoors and so on, as are their family traditions, which are always drawn from upper caste practices. The family deities—a Radha-Krishna, or a Krishna, or a Rama, or a Ganesha, or Durga but never a Mariamman or a Pochamma worshipped by the lower castes—are located in a separate and central space at which the family congregates daily, and at every crisis. The women are the guardians of family traditions and observe all the rituals expected of devoted wives, fast periodically as in the karva chauth and even perform dangerous rituals, which could harm them, for the perpetually tenuous lives of their husbands. The careful arrangement of marriages remains the norm, although there are occasional instances of falling in love: the norm that is propagated is that love must *follow* marriage, not precede it as has been the pattern for stories in

the women's magazines as Patrica Uberoi and Amrita Tyagi Singh have shown.¹

The tension in this structure comes from the conflict between desire—especially, though not invariably, male desire which cannot be contained within the arranged marriage system—and thus with the partners that have been chosen. Ultimately the desire, which is illicit because it is not within marriage, leads the partners astray with a final resolution almost always upholding the sacred marriage tie. In between reproduction, legitimate reproduction itself, is the first casualty of the tension—the legitimate partners in the marriage are unable to conceive, or the conception is threatened by dangers both physical and mental. Since the marital tie has to be upheld, it is not infrequent that the child of the illicit union is brought up within the conjugal household because the woman disrupting the marriage conveniently dies in childbirth. It is apparent from all the serials that the marriage system is under severe stress—by internal and external factors—but the attempt, through the ideological underpinnings of the serials on TV, which are more formative than films today because TV is so much a part of domestic life, is to battle these factors. The narratives thus respond to the concerns of men and women but contain the damage posed by the threatened tradition—the foremost being the upper caste family—by pegging it on the newly reformulated codes for women. Thus upper caste women continue to be successfully socialized into consenting to family, caste and gender norms that invisibilize the oppressive structures that continue to be reproduced in our society. Many women then can believe that they are actually against an oppressive piece of legislation like the Mandal ordinance, spearheaded by a populist and manipulative leader and therefore have a legitimate right to bemoan the loss of potentially employed partners from their own upper castes in the powerful bureaucracy. These positions, they believe, they have a right to because merit 'naturally' resides among them. The entire history of the caste system, its relationship to unequal control over material assets, and particularly to cultural capital through centuries of entrenched hierarchies does not exist for the upper caste protestors who can construct themselves

as its victims. Nor is its control over women's sexuality or the coercion through which it was perpetuated perceived by them. Instead, its oppressive practices can be erased in one sweep in the 'righteous' anger of those fighting for the 'merit' principle and against the archaic caste system, which either does not exist for the upper caste protestors, or else they see themselves as its victims, as mentioned earlier.

To sum up, we can see that the women's movement has raised very pertinent questions on the inequality that exists between men and women in our society and has also taken up many crucial issues that impinge on women's lives—access to productive resources, to the right to control their own bodies, and to a host of other issues, but, above all, to the violence women experience virtually from conception to death. Given that violence has been so central to the reproduction of patriarchy, it is significant that the women's movement has not linked up sufficiently the violence inherent in the caste system to the violence in patriarchy. Given that women's studies is an outcome of the women's movement and owes its rationale to creating tools and concepts to understand patriarchy/ies from a woman-centred perspective; and given that patriarchy/ies in India is/are deeply shaped by caste, gendering the caste system is a long overdue task. This book is a small beginning, and only a beginning, which other students, teachers and researchers will need to take forward before we can unravel the complex formations that we live in so that we may proceed to find strategies to struggle against them.

NOTE

1. Amita Tyagi Singh, and Patricia Uberoi, 'Learning to "Adjust": Conjugal Relations in Indian Popular Fiction,' *Indian Journal of Gender Studies* 1, 1 (1994); Patricia Uberoi, 'A Suitable Romance: Trajectories of Conjuality in Indian Popular Fiction.' In *Images of Modernity in Asia: Global Media/Local Meaning*, edited by Shoma Munshi (London: Curzon Press, 2001).

Afterword: Caste and Gender in the New Millennium

Much has happened in the public sphere around the caste question since the writing of this book in 2003 and that makes a second edition of *Gendering Caste* require an update that can examine issues that the last decade or more have thrown up. Let me begin with the dastardly violence in Khairlanji as a focal point through which we may trace the different threads of the caste and gender question as it now occupies the economic, political and social domains. It is not as if Khairlanji hadn't ever happened before; violence against dalits has been an endemic and structural feature of the caste system. But in post-Constitution India dalits are technically equal citizens of the country and untouchability itself, as a practice, has been abolished. It is precisely because of these statutory 'protections' that the violence in Sirasgaon in December 1963,¹ and then again in Khairlanji in 2006,² more than forty years later, allows us to see the violence that *inheres* in the caste system, especially in terms of the conjoint nature of caste and gender as the deadly mix that it entails. As dalit resistance is seen as an attempt to counter the unchallenged power of the upper castes, or as a claim for rights, the violence against them escalates to new heights. Brutal acts of unimaginable violence then take place in which whole communities of the village participate in a kind of sport where sexual assault is central to the attack on dalits. We witnessed this first in Sirasgaon and then in Khairlanji and it is significant that both these brutal assaults took place in Maharashtra which has been the classic land of dalit and non-brahmana struggles since the days of Phule in the nineteenth century. In the twentieth century Ambedkar continued and expanded on these struggles and

then wrote caste into the Constitution in a way that enabled the possibilities of change and the claiming of rights by the dalits: for land, water, dignity as the tangible signs of a meaningful understanding of equality. Unfortunately the Constitution merely 'grants' rights; to activate them they must be claimed by the dalits themselves (as no one else is invested in ensuring that the rights are claimed) but when they do there is brutal repression that follows. There is a pattern to the retaliatory attacks by the upper castes and despite attempts to provide legal support to prevent 'atrocities' against the dalits the violence has not diminished or been countered effectively to date.

The violence in Sirasgaon in 1963 may be regarded as a moment when the constitutional guarantee of equality to all citizens of the country, regardless of the continuation of the practices of the caste system, and the simultaneous abolition of the practice of untouchability in particular, were tested in the social and legal domains. The incident itself was not in its origins based on what would be perceived, especially at that time, as a violent act. An employer of labour, Yeduram Kale, who according to the bare facts recounted in the judgement, made some gestures 'calculated to outrage the modesty' of Sonabai, wife of Kishan, who worked as a labourer for him, by holding the edge of her pallu and offering her money. Sonabai mentioned the incident to her mother-in-law, Laxmibai, who accompanied her to the house of Yeduram Kale where the incident was recounted to the latter's wife, Shevantibai. Shevantaibai apologized to the two on behalf of her husband. About six months later Kishan decided to stop working for Yeduram Kale and told Shevantibai about how he had reacted to the gesture (clearly the incident had festered over the months) made to his wife, Sonabai. In doing so, when he spoke to her, Kishan asked Shevantibai to imagine how *she* would have felt if Kishan himself had touched the edge of her sari to outrage her modesty. Shevantibai went on to relate the incident to her husband, perhaps with some 'relishment' as the judge put it. Thereafter Yedu, and other accused in the case that followed the violence in Sirasgaon, went to Kishan's father's house demanding to see Kishan as 'Kishan had played mischief with Yadu's wife'. Two of his sons ran

away and Kishan, who saw the crowd at his house, ran away for a week. Laxmibai as well as Sonabai, Kadubai and Sakrabai, other daughters-in-law of Laxmibai were then dragged out of the house and beaten; Sonabai's sari was removed as were Kadubai's and Sakrabai's. All four women were taken to the entrance of the village all the while being subjected to beatings. The women tried to cover their 'genitals with their hands which too were beaten; then they were taken to Yedu's house so that Shevantibai could 'see' them in that condition so that she could see that her men had taken revenge for the alleged offence committed by Kishan. A sari was then thrown to them which all four women used to cover themselves as they walked back home. While the men of Kishan's family had fled the women were stripped and paraded, which was permitted as a form of punishment in the Dharmashastras to 'errant' women.³ Women were also at the centre of the execution of the 'punishment' and of course women were the victims of the attack: how dare a dalit woman protest against an obscene gesture and claim to have the right to *bodily integrity* no matter what the Constitution granted.

On the basis of the women's complaint, which initially did not highlight the stripping (as the women were hesitant/shy to draw attention to this act of humiliation) a first judgement acknowledged that the 'harijans' were placed at the mercy of the villagers without any regard to 'modesty or humanity'. The case then went in appeal. The judgement went into further contortions in trying to arrive upon the meaning, and implication, of the incident of stripping and parading. It also noted the participation of women in the act of humiliation, and tried to 'read' the two acts of Yedu's gesture to Sonabai, as well as the subsequent verbal counter on the part of Kishan to Yedu's wife, which precipitated the attack on the four women of Kishan's family. However one might try to interpret the judgement, what is inescapable is that for the first time in post-Constitution India dalits 'tested' the meaning of the constitutional changes to the everyday lives and everyday practices of caste as it unfolded between men and men, men and women, and women and women across the dalit-non-dalit divide. Through his gesture to Sonabai what Yedu was saying is that caste and class privilege meant that he could have any woman

he wanted, a practice that existed across many centuries and is documented in the *Kamasutra* where the upper caste man can seduce the women who come to work for him. What Kishan was saying, but which Shevantibai had found offensive, is that if your women have modesty, and dignity, so do ours. If your women can be, or are seduced, how would you like it? Now there is equality between men but also between how women of different castes are viewed. The message that Kishan was trying to send out is 'Don't misbehave with our women and think its okay to make offensive gestures to them and get away with it. We will protest and not take it lying down anymore, and we will make that clear by claiming the equality that now exists between Shevantibai and Sonabai, as between Yedu and Kishan.' Women are at the heart of the conflict as protagonists and as victims, and also as aggressors in this new moment of constitutionally protected/granted rights to all citizens equally.

Sirasgaon was only a beginning; stripping and parading as a form of 'punishment' meted out to dalit women or women regarded as errant, usually from middle castes such as in the infamous Maya Tyagi case,⁴ continued to catch the public eye at different times in the last 70 years. That could have been the motivation to build stripping and parading as a specific provision into the Prevention of Atrocities Act when it was passed in 1989 as a special law which named stripping and parading as an atrocity derogatory of dalit or tribal men, women and children. Atrocities are legally defined as those crimes listed in the Prevention of Atrocities (POA) Act 1989, against a Scheduled Caste or Scheduled Tribe man or woman or child, committed by a person(s) who is not an SC or ST. The POA Act is mindful of the power imbalance that exists in India society and it was created as a protective measure more than 42 years after independence. It is meant to counter-balance the extreme imbalance in society despite the abolition of untouchability and the enshrinement of equality as a fundamental right in the Constitution. The 1989 Act was only given a legally active existence in 1995 when rules were laid out to make it operative. The Act has also gone through two further revisions/amendments in 2015 and 2016 where changes were made following the submissions made to the Verma Committee in 2012, leading to changes in the criminal law on rapes which

named some offences more specifically but also changed some provisions which had relevance for specific forms of violence against dalit women. A brief overview of the workings of the POA Act are therefore useful in understanding how caste has featured in the legal provisions that expand the manner in which the Constitution had tried to make the equality law more effective for disadvantaged people like the dalits and adivasis.

In a study conducted by the National Dalit Movement for Justice (NDMJ) in 2013,⁵ the context for the study was provided by the developments in Delhi when it had become the site of major demonstrations in the Nirbhaya rape incident in December 2012. The chairperson of the National Commission for Scheduled Castes drew attention to the number of cases of rapes of dalit girls in neighbouring Haryana. Indeed, when the demonstrators thronged the Vijay Chowk area in December 2012, demanding that the government take note of the heinous violations against women in public places in the Nirbhaya case, dalit groups asked a pertinent question to the rest of the country: why did such visible signs of outrage not take place when scores of dalit girls are gang-raped in villages and small towns in the neighbourhood of the capital? The study went back to the early 2000s and went on to flag the violence dalits faced in Haryana up until 2013 when the study was conducted. Delhi itself witnessed major sit-ins and agitation on attacks against dalits including the driving out of dalits from villages where they dared to protest against outrages committed against them and their demand for common lands in 2013-2014. Making land a central issue the dalits of Bhagana demanded *shamlat* (common) for their livelihood as well as house sites to become independent of the power of the dominant groups in the village. As part of a brutal 'retaliation' by the dominant groups (mainly Jats in Haryana), in the village four dalit girls of Bhagana were kidnapped and raped. For months they sat on a dharna in Jantar Mantar, the only place available for demonstrators as spaces for dharnas and demonstrations have shrunk all over the city of Delhi, seeking land *outside* the village of Bhagana as they were being intimidated in their native village. Earlier, Mirchpur in Haryana had witnessed large scale violence as dominant castes went on the rampage against dalits in a totally bizarre incident when youths from

dominant caste took offence at a dog that barked at them: the dog lived in a dalit house and compound so perhaps it was regarded as a 'dalit' dog which had the temerity to bark at dominant caste men and that in turn was an insult to their casteist manhood. In 'retaliation' the dominant caste groups in the village attacked the dalit basti and torched the houses, killing an elderly Balmiki man and his disabled daughter, and injuring scores of other dalits of the village. The Balmikis left the village en masse as they tried to escape to safety. A case was filed with help from civil rights lawyers as the incident revealed the deep seated faultline in Indian society: a special report on Mirchpur opens with a quote from Dr B. R. Ambedkar which is eloquent in how it frames the criminal-legal system in India:

[That] the Hindus most often succeed in pulling down the untouchables is largely due to many causes. The Hindu has the police and the Magistracy on his side. In a quarrel between Untouchables and the Hindus the Untouchables will never get protection from the police or justice from the Magistrate. The police and the Magistrate are Hindus and they love their class [caste] more than their duty. But the chief weapon in the armoury of the Hindus is economic power they possess over the poor Untouchables living in the village.⁶

This statement points to the unacknowledged aspects of what has been described as 'social power', a power that pervades every aspect of life in India and dominates the administration and institutional apparatus that governs India.⁷ How then can the dalits access justice and expect legal redressal for the wrongs inflicted upon them? We are no longer governed by the caste distinctive code of laws, derived from brahmana ideologies that existed in pre-colonial India since the Constitution specifically enjoins equality as the principle that governs the law. Since equality, however, does not actually prevail because the police and the magistracy are imbued with the remnants of Manu's ideology, only a few dalits could find relief from social and economic oppression through the legal system. A demand for a law that would acknowledge the difference between exploitation and oppression, what was economic and what was social and cultural in its origins, began to grow. That, in turn, led to the framing of an act that would acknowledge

'atrocities' for what it was: a specifically Indian/Hindu type of harm experienced by the dalits and adivasis in India.

How is atrocity a different type of crime? How can an atrocity be made to be a crime that can actually deliver justice? Pratiksha Baxi has shown us how an atrocity came to be recognized as such in the POA Act of 1989. Drawing from the writings that followed its passing she suggests that an atrocity is a 'gross evil', a widespread toleration of wrongfully perpetrated intolerable harm to individuals.⁸ Baxi argues that a protectionist act like the POA Act aims to 'infuse criminal law with constitutional ideals of substantive equality by resignifying previously stigmatised bodies as bearers of rights'. As a special law the POA Act requires the governmental apparatus to allow dalits and tribals greater access to courts; it seeks to counter the structures of impunity and immunity that denies justice to dalits and adivasis. It is in that sense an 'exceptional law' that tries to make the less equal more equal by providing the less equal with a protective umbrella that would enable these categories of victims access to the law when violence is inflicted upon them when they seek to claim their constitutional rights and when they refuse to be passive victims.⁹ Atrocities had come to be acknowledged as a more grievous harm since the 1950s when the Office of Commissioner for SCs and STs began to maintain a record of complaints. By the 1970s and 1980s atrocities against the dalits came to be acknowledged as evidence of the 'systemic' domination of the dalits. To counter this dominance, the sociologist Ramesh Kamble pointed out that it was necessary to regard every offence committed against the dalits by upper caste Hindus, who had for centuries regarded the dalits as untouchables, and had stigmatized them, as *presumed* to have been committed. The accused should therefore prove that he had not actually committed the said crime; the onus of proof should shift to the accused rather than in ordinary crimes.

In 1989 the Special Commissioner for SCs and STs P. S. Krishnan specifically used the category of 'atrocity' to pioneer a special law. The statement of objectives declared that such a law was necessary as there had been an increasing trend of assaults upon the SCs, forcing them to be humiliated in very revolting ways, mass killings (there is an unmentioned

acknowledgement of cases like Keezhvenmani 1968, Belchi 1977 and Karamachedu 1985;¹⁰) and the rape of women belonging to the SCs and STs. A special law to check and deter crimes against them committed by non-SCs and non-STs had therefore become necessary. What is significant is that discussions during the parliamentary debates over the proposed legislation made a connection between the growing atrocities against the SCs and STs and the social changes that were sought to be engineered by government policies as part of its constitutional mandate for the protection of these groups. The growing violence against the dalits was framed as a backlash against new forms of social mobility and self-assertion as claimers of constitutional rights. As a retaliation and 'to teach them a lesson', women were raped and entire villages were burnt. Sexual violence was central to these acts of power to reassert domination: women were dishonoured: this, the debate recognized, was the worst type of atrocities committed on the SCs. As Pratiksha Baxi writes, 'teaching a lesson becomes an operative term to distinguish rape as a crime from rape as an atrocity'.¹¹ These were crimes which had ingredients of the infliction of suffering in one form or other upon SCs and STs.

In sum, the POA Act was designed to counter the social power of the savarnas, the power of the dominant castes¹² and to appropriate all the organs of the state and use that power to stigmatise and degrade the SCs and STs by word and deed. It is designed to provide a legal acknowledgement of such a deep-rooted social imbalance which even the constitutional rights could not deal with sufficiently and to redress that imbalance with special legislation. Both physical and verbal assaults were built into the new law to make the less equal dalits and adivasis more equal through the special protection the POA Act would provide.

Retaliatory violence against dalits had appeared in post-independence India within a couple decades by which time it was amply clear that the state in India had failed to deliver on its promise of freedom for all, food for all and dignity for all. It is not surprising that the late 1960s was characterized by many food riots as well widespread unrest in rural India. Left-wing groups were active in many parts of India. In 1968 a

brutal retaliatory attack against agricultural labourers demanding minimum wages and a right to organize themselves took place in Keezhvenmani in Tamil Nadu, as mentioned earlier, where 44 dalits were burnt alive on Christmas Day while in many parts of the world people were celebrating the message of peace on earth and goodwill among men. The landlord, a dominant caste man (at that time from the Naidu community), was widely believed to have used his muscle men to trap the villagers in a hut and set it on fire as the agricultural labourers, all dalits, were refusing to give up on their demands. According to an eyewitness, a dalit woman, the attack had followed more than six months of extreme harassment by the landlords when they suffered hunger and privation as attempts were made to break the resistance of the dalits to the terms set by the landlords which was violative of their constitutional rights: minimum wages and the right to unionise.¹³

The case went to trial but when the judgement came the it sent waves of outrage across India as the judge dismissed the charges against the landlord saying 'gentlemen farmers do not kill'. As Mythily Sivaraman wrote sharply 'Gentlemen farmers' would not pollute their own hands with blood:

*The High Court has clearly implied that it is beneath the dignity of the landlord to pollute his hands with the blood of a paraiya. Why should these gentlemen risk such sacrilege when they can get as much harijan blood as their lordly hearts' desire for a few rupees?... No, a man who owned extensive lands and drove around in his own car could never get that crass.*¹⁴

As the case had already gone into appeal, and with political games being played out by the government in power, someone or some group of people decided to deal with the issue outside the court structures and killed the main landlord who was regarded as the chief culprit in the killings. Be that as it may, Keezhvenmani became a metaphor for the failure of the poor and the marginalized dalits to get justice in the courts of law in 'free' India, as Ambedkar had pointed out. And, as we see today, the media failed to respond to the terrible tragedy that had happened in Keezhvenmani: because of the outrage experienced by a young social scientist who went on to becoming a political activist, sections of the press did get to know:

*The treatment that the victims of the Venmani got from the majority of newspapers in Tamilnadu was a grotesque irony—a macabre display of the sense of objectivity of the 'free press'. The indecent haste with which the dailies took up the case of the landowners in their reports and editorials was shocking.*¹⁵

While Keezhvenmani came to be well known in social science writing, atrocities did not stop in India. There was Belchi in 1977 in Bihar where 11 dalits were killed and Mrs Gandhi rode into the village on an elephant making a show of great sympathy for the dalits. She rode back to power after her time of exile following the emergency; her dramatic visit to Belchi earned her many votes though it did nothing for the impunity with which dalits are subjected to atrocities. Soon there was Karamchedu in 1984 where 5 dalits were killed in a dispute over water and where too the High Court acquitted all the accused.

Finally, under pressure from dalits and concerned bureaucrats such as P. S. Krishnan, the Government of India passed the Prevention of Atrocities Act; it provided for a number of critical measures that forced the judiciary to take cognisance of the workings of the civil and criminal administration in making justice accessible to the SCs and STs. It specifically acknowledged forms of discrimination SCs and STs routinely faced including verbal assaults and humiliations, sexual violence against dalit and adivasi women. Special courts were set up to try cases under the POA Act. But the specific acknowledgement of such crimes as a particular type of atrocity have not always worked as Pratiksha Baxi has shown in her research on the POA Act in the context of sexual violence. The accused often get acquitted on hyper technical grounds such as not knowing that a woman is an SC or ST, or on get lesser sentences as the accused did not rape the woman because she was dalit but out of being 'overcome by lust' or a wave of sexual desire! As one judgement held: 'The mere fact that the victim belonged to the category of SC does not attract the provisions of the Act.'¹⁶ To sum up, Baxi argues that the mere fact dalits and tribals are, and have been, a stable target of rape is not seen as a form of historical discrimination. Instead everyday forms of gang-rape are contrasted with

stylized images of atrocity as sanctioning organized, mass-scale and spectacular sexual violence calculated to send a message to men of unequal status.¹⁷

Did the new law of 1989 work as it was envisaged? How were crimes committed before the atrocities act passed dealt with by the courts before and after its passing? A quick survey is revealing. Only in one case can we see the intended workings of the POA Act provide genuine justice to the survivors of an all night orgy of violence by hundreds of policemen and forest officials in Tamil Nadu at Vachati, an adivasi hamlet close to a forest, in 1992. The police were supposedly pursuing Veerappan, a sandalwood smuggler, who they alleged was sheltering in the village. A scuffle between the adivasis and the police and forest officials led to the threat of retaliatory action by the policemen men. The men fled the village and the policemen executed their retaliatory action upon those left behind: beatings, destruction of the grain, polluting of wells in the neighbourhood, slaughtering of the chickens feasting by the power drunk 'officials' and finally the rape of eighteen women, mostly young girls.

As the happenings at Vachati began to come to light, mainly because of the work of women activists from the CPI(M), the government began to justify the actions of their men. Despite prevarication and stalling tactics by the state the case went to trial after a special public prosecutor was appointed specifically provided for by the POA Act. Finally a judgement came nearly 19 years after the incident had happened and 54 of the accused had died. The judgement acknowledged that an atrocity had been committed; the guilty were sentenced and the court also ordered the payment of compensation to the survivors of the sexual violence. The judgement against the perpetrators of violence itself was made possible on the basis of the newly formulated POA Act where sexual violence was marked for special attention and the women survivors of the orgy of violence had stayed firm in their search for justice, braving stigma, and were supported by an able team of lawyers and activists.¹⁸

If we follow the arc of atrocities from Sirasgaon to Keezhvenmani, and then to Vachati, we can trace the *potential* of the POA Act to redress the balance of power that had

operated in India for centuries. But, when one looks back, it appears that Vachati was almost the exception in the working of the POA Act which has been observed more in the breach than in its operations. Between the passing of the POA Act and the judgement in the Vachati case we can see the subversion of the law and the dashing of possibilities, in Khairlanji where there was almost a re-enactment of Sirasgaon but with more deadly consequences.

KHAIRLANJI, 2005

In the heart of the Vidharba region one of the most barbaric attacks on dalits in post-Ambedkarite Maharashtra took place...the Khairlanji atrocity—where a mother and daughter were stripped, battered, paraded naked, raped and killed by a mob goaded by the entire village... where a victory procession of caste-Hindu violence ended with the dumping of the bodies in a canal after a 'victory' procession through the village.¹⁹

Anand Teltumbde locates the gruesome happenings in Khairlanji in the form of a terrifying occurrence of sexual violence, and its erasure, in conflicts in the political economy, and the manner in which violence against dalit women is so naturalized that every arm of the state: the administration, the police, the medical establishment, the local media, political parties and even elected dalit representatives, are all implicated in subverting the possibilities of justice. Ultimately, although the criminal legal system was forced to act under pressure from mobilization of the dalits in Khairlanji, the specific types of sexual violence dalit women are often subjected to—such as stripping, parading and rape—disappeared in the judgement of the High Court. Initial reports on the violence had acknowledged that Priyanka and Surekha had been stripped and paraded, even tied to a cart before the bodies were disposed off. Priyanka's body had rods inserted into the genitals.²⁰ Two post-mortems were conducted one after exhuming the body, which was too late in terms of finding any useful evidence; the massive cover-up was successful in clouding the evidence in filing a case that would include sexual violence amongst the charges in the case proceedings. The judgement did not specifically address the crime of sexual violence, even as it

punished a few of the accused for the murder of four members of the Bhotmange family. It also did not see the need to invoke the provisions of the Prevention of Atrocities Act that had been introduced in the law to address crimes against the Scheduled Castes and Scheduled Tribes as it recognizes the specific nature of social hierarchy in India and the endemic low intensity conflicts that mark social relations between dalits and caste Hindus.

Typically, the erasures included turning a specific caste-based reprisal against the two women for having the temerity to use their fundamental right to file an FIR in a crime that they had witnessed. That act became the ground-spring of the sexual violence against them, recast as a sense of anger on the part of the accused for the two women having levelled 'false' allegations against them. Just as in the Manorama case²¹ the security personnel sexually assaulted Manorama, allegedly for being a member of the PLA, a militant group, two years before Khairlanji, here too the women were punished for challenging the unwritten writ of the upper castes in dominating the dalits. Ordinary acts such as Priyanka, the daughter of the Bhotmange's, going to college, riding a bicycle, and exercising her rights as a citizen by being party to her mother's filing of an FIR, led to the horrendous reprisal: being beaten with bicycle chains—the very chains that had been an instrument of her freedom as she cycled to college every day. She was then stripped, paraded, raped and thrown into a canal to erase crucial evidence. And, to compensate for the calculated destruction of crucial evidence and/or shift responsibility, in this case too rumours were set afloat of an adulterous relationship that the mother was allegedly involved in; these rumours had the disastrous impact of turning everyone in the chain of investigation often in the hands of dalit officials against the family. Acting as moral 'policers', and displaying patriarchal governance of women's sexuality is as embedded in dalit men as it is savarna men. Thankfully, a fact-finding investigation by a senior bureaucrat within a few days indicted local officials for their role in not collecting evidence, suppressing the news of the killings, protecting the culprits and conducting shoddy investigations. The report also attributed the violence against the Bhotmanges to caste hatred and acknowledged that

the women were sexually assaulted but the Government of Maharashtra ignored the report and even took it off a website that it had been uploaded on to. Long before the judgement of the High Court that punished the assaulters for the murders but took no notice of the caste dimension of the attack nor of the sexual assault a dalit activist had sung: '*Nyaya vyavastha tujhi nahi, shasan vyavastha tujhi nahi*—the judiciary is not yours, the government is not yours'.²²

As the case unfolded the gruesome violence in Khairlanji where women were raped and killed but rape charges were not filed, nor was the case registered under the Prevention of Atrocities Act, became a classic example of how the law operates in India and of how it is unable to challenge the impunity arrogated to themselves by the dominant castes across the length and breadth of the country. It is also an example of the brutality unleashed upon the dalits when they claim the principle of equality before the law that is enshrined in the Constitution. The entire family was 'punished' for this claiming of equality provisions. After the mobilization by dalit groups the perpetrators were punished for the murders they had perpetrated but the caste- and gender-based nature of the atrocity and the flaunting of social dominance and the display of sexual power, the targeted and aggravated nature of the sexual violence by the dominant castes went unacknowledged by the Indian judicial system.

How did the court achieve this slide from turning an atrocity to an ordinary crime? Pratiksha Baxi provides us with a critical reading of the judgement. She argues that the judgement frames the motive for the crime not as a reprisal for *dalit* women seeking to assert their constitutional right to file an FIR but as individual revenge rather than a collective revenge, which defines atrocity. It evades acknowledging that caste 'materializes dominance over bodies, space and resources'.²³ The court did not recognize that the dominant castes' attempt to retain monopoly of the law is a feature of caste domination. The evidence before the court acknowledged that the accused enjoyed the killings and were fearless in the mob's presence and thought of the killings as acts of heroism. Some of the accused removed the clothes of Priyanka before disposing off the severely injured dead body thereby 'giving satisfaction to

their sexual eyes' and yet does not see this as sexual violence. The verdict tells us that even though the law maintained its monopoly to punish crimes it did not displace the *monopoly* of the dominant caste to rape, parade and kill dalit women. The law punishes the accused but does not acknowledge that sexual violence is central to caste domination, or that there is extreme violence in the structure of caste; instead it becomes an occasion for the de-politicizing of caste under the label of personal revenge as the motive for the violence.²⁴

This brief survey of some of the major cases of caste based sexual violence suggests that the culture of impunity in caste- and gender-based violence is too deep rooted, too sedimented, too internalized, too normalized, and too banal to make legal redress possible. The moral framework of the status quo is fully in place as the bed-rock for the culture of impunity to survive and flourish, never mind what the law might provide or seek to provide for. But, equally, dalit and democratic resistance to such crimes is also beginning to be evident. Khairlanji led to huge mobilization in which women participated in large numbers as they gave vent to their anger and sense of moral outrage and even though Dalit protests have been a regular response to the perpetration of caste atrocities upon them Khairlanji marked a new moment in dalit resistance to injustice on such a massive scale. The case, however, is that the sexual violence was erased and the POA Act was never applied. Vachati remains the sole example of an atrocity that was recognized for what it was.

Khairlanji has caused enormous social suffering to the entire community of the oppressed castes in recent times. It has made a mockery of the POA Act and the attempts of the dalits to challenge caste-based impunity and therefore to a sense of hurt and anger that is unredressed and continues to fester in the minds of dalits and other democratic people in India. Dalits may be perceived to be powerless but they are now displaying 'righteous anger' when atrocities are inflicted upon them.²⁵

ENDEMIC SEXUAL VIOLENCE AGAINST SCs AND STs AS EVERYDAY ATROCITIES

Let us now look at a different terrain in the context of sexual violence and the impunity that almost inheres in the very being

of the SC-ST woman because it is not region-specific and in most cases not a consequence of emergency provisions, or of recent origin. Instead the impunity is located in the long-standing modes of using violence against dominated groups: oppressed castes such as dalits whose women are perceived to be sexually available by the oppressor castes and/or subject to sexual dominance by them. Endemic sexual violence, driven by caste, marks the social landscape in most parts of rural India where those who have land, resources and social power—derived from the caste system and from the patriarchal power of some men over the sexuality of all women—have used violence as a means to demonstrate *and reproduce* the inequalities of Indian society. The caste system and its workings have made for a state of perpetual, but disguised, conflict which has put a veil of impunity upon acts of sexual violence by men of the oppressor castes inflicted upon dalit women. Here the state is not usually the perpetrator of the violence but its institutional apparatus is available and is used to provide impunity to the perpetrators through the obstructions and impediments that the police and the criminal justice system place in ensuring justice to the survivors of violence.

The inherited legacies of practising inequality including the recourse to sexual violence against the women of the dalit castes have thrived upon 'social silence' wherein neither the law makers nor social scientists addressed sexual violence specifically as a tool that was used to enforce the dominance of the 'upper castes' upon those at the bottom end of the hierarchy. The structural causes for the violence and the specific vulnerabilities of dalit women to sexual violence in India went unchallenged for many decades even after independence. This social silence was broken by the Dalit Panther movement as well as by dalit feminists. Finally, after many years of work put in by dalit activists the Prevention of Atrocities (POA) Act had come into being, but its workings have not been able to counter (to date) the social power of the dominant castes in Indian society as we have shown earlier. Unfortunately its (faulty) workings have in fact led to a counter discourse and to social silence: as of now there is a shrill rhetoric of 'false' reporting of cases of sexual crimes accompanied by the narrow interpretation of the POA Act.²⁶ As Jayashree Mangubhai

points out, the end result is that too often it 'obviates the constitutional right to equal protection of the law' by making available to all its citizens an unbiased system of governance that can challenge the impunity derived from the social and cultural forms of dominance in India.

Jayashree's analysis, based on 10 case studies of sexual violence in Rajasthan, is able to expand the ethnography with statistics of cases filed, compromised, acquitted and convicted, to show how deadly the combination of social power, upper caste patriarchal violence, institutional biases and judicial pronouncements has been, resulting in making a mockery of the POA Act.²⁷ To begin with, enormous pressure, intimidation, threats of further rapes, and economic and social boycott of the families of the survivors of sexual violence are the tactics used to try and kill the FIR, if at all it is registered, thereafter to botch the investigations, then to compromise the case so that the case never really comes to trial. Jayashree has a moving account of a young woman who ended the miseries of her family and herself by committing suicide even *after* the accused was convicted. The family had experienced enormous social suffering, dislocation, disruption of livelihood, and fear. The young girl was sent away to a relative for three years to continue her studies after the conviction. But when she returned to her natal home the rajputs of the village started to harass her again for having pursued her case against their caste men. Dogged by harassment, and unable to put the violence behind her, she gave up her will to live in the face of insurmountable difficulties, turning the sorrow into further violence upon her own self.²⁸

Recent studies and fact-finding reports²⁹ in the neighbouring state of Haryana have documented a new upsurge of violence against dalit women in the state. Haryana is experiencing rapid changes, particularly in its political economy, spawning rising tensions between the dominant castes, mainly jats in Haryana, and the dalits. We see this in post-liberalization Haryana a state that borders Rajasthan but also borders the capital/metropole of Delhi. It is experiencing an urban boom in the villages and small towns that surround Delhi on three sides. Complex changes in the political economy in Haryana have given rise to new social relations. There is now an active

mafia operating the land market and a real estate boom can be witnessed even in towns like Rohtak, Sonapat and Hissar where large shopping complexes or water parks and other amusement places have brought in riches to the landed sections, mainly drawn from the dominant castes who are used to asserting their power. Their sons now swagger about in large vehicles stalking the countryside, menacing young women. According to a woman's rights activist these changes have led to more predatory behaviour against women in which dalit women in particular are more vulnerable because they have 'traditionally' been regarded as 'available' to the dominant caste man. The situation is fraught because the dalits in turn are no longer willing to acquiesce to the caste power of the dominant groups: they have aspirations for education and work which will enable them to exit the oppressive social relations that they have been subjected to in rural India. Dalit girls are encouraged to go to school now but these aspirations also mean that these girls will no longer be available to perform labour for the dominant caste groups as education will enable them to end their dependency on labour as it existed in the past. There has been an increase in the number of rapes being reported in Haryana of young school going girls, many of these being gang rapes, by groups of young men who clearly treat the whole venture as a kind of sport. It is not at all unusual to hear that the rapes are videoed and then circulated, drawing more people into the new voyeuristic sport, sometimes leading to terrible tragedy for the families of the girls. When the young women file cases against the rapists the khap panchayats are drawn in by the dominant caste accused to prepare *rajinamas*, forcing an artificial end to the case. Rarely do the cases end in convictions as the twists and turns the cases take over the years reflects the power of the dominant to secure acquittals, particularly if the cases are not filed under the POA Act. Thus, despite the beginnings of documentation of the huge amount of violence which is caste-based,³⁰ judges continue to reflect social biases in their judgements. Many cases are not acknowledged as caste-based atrocities at all and are dismissed by the judges as the mere 'lust' of men, the sexual desire which young men are prone to display, that upper caste men will never gang up to rape an untouchable or lower caste woman,

or that women are prone to lying. The casteist nature of the violence is erased under other explanations such as conflicts over land, of motives of revenge, or of political and electoral battles. As Jayashree has pointed out when judicial 'restraint' (or abdication of judicial reasoning) is combined with the extremely limited rights of victim/survivors of sexual violence to participate in the trials, the grounds are set for the operation of the same power inequalities that *produced* the violence in the first place to ensure the further victimization of Dalit women throughout the legal process. The impunity congeals and leads to a heady sense of power, to the belief that upper caste power cannot be reined in, despite the workings of the Constitution for over almost 70 years and is immune to the workings of the law.

INTER-CASTE MARRIAGES AND BRUTAL REPRISALS IN THE NEW MILLENNIUM

Caste and gender as a conjoint system still operates all around us uniting the different Indias—the metropole and the village, the province and the small town; the world of the internet and the khap panchayats; the Indian who lives within India but aspires to live elsewhere; the NRI who lives elsewhere but follows the codes he/she left behind, perhaps even more stringently than the families that they have left back home do. Marriages are still 'settled' by parents with the girls and boys accepting that whatever they do before marriage when they marry it will be between families that are caste compatible, sometimes explained as culturally compatible, because one must pretend that one has left caste behind in the race to be 'modern'. Newspapers still carry matrimonial ads which continue to be coded by caste and sub-caste circles and are advertised as such even in the matrimonial websites. Advertisements on the TV media too have learnt to be creatively conservative as they understand that commerce must make itself acceptable to the idea of the Indian family, which is socially reproduced by the caste-based endogamous marriage system. Thus, in the main, the marriage system conforms to the codes of the past.

And yet, occasionally, the system that has produced the stability of the caste system is threatened by the changes that post-Constitution India has set in motion. Following the

changes in the Hindu Law since 1956 legally any two Hindus can marry, once they have become majors, without following caste and sub-caste rules. And sometimes they do because in certain spaces some measure of interaction between young women and men has become possible: going to schools and colleges has led to a degree of mobility for girls as has the possibilities of work for young women. All around us, in novels and films, romance is celebrated. There are new eating places, cinema houses and new cultural practices that make for an interaction between young men and women who do not at first know what the caste of the other is. In one case that we investigated where a young couple had eloped, and had not yet been hunted down, the dalit boy's younger brother described the winning ways of his elder brother who sang in a band; a jat girl who saw him singing at a marriage 'fell' for him and they later eloped. Elopements are the only way these romances can end because families will not allow a hypogamous/pratilomic marriage to take place. There is much violence afterwards with young couples being hunted down with the weight of families and communities being supported by the police—which shares the social norms of their communities in disrupting the marriage if possible, or violently ending the relationship if the young couple/young woman does not relent. Custodial killings are therefore common uniting north India with south India: ironically, the true unifier of 'Indian' culture is the endogamous marriage. Let me just cite two such cases for us to get a sense of how stable the caste system is in the new millennium.

On 13 March 2016 a young kallari woman eloped and married a dalit boy. The kallars are a dominant caste group who are very powerful in parts of Tamil Nadu. A few months later the couple were hacked by an armed group of young men in broad daylight in a busy market place area. Both sustained serious injuries: the boy died but Kausalya survived. Kausalya testified in court and recounted how her family had tried to end her marriage and when she resisted they threatened her with dire consequences just the week before the couple was attacked. She stood firm throughout the trial, living under police protection as there continued to be danger to her life. Finally, her father and—others were convicted but the mother and uncle were acquitted. A film made on Kausalya's

case is very revealing for the deep rooted caste prejudices that Kausalya's family unabashedly displayed on screen even after the conviction of the family. In her words, Kausalya and Sankar never imagined that caste prejudices would lead to such a heinous crime: she told the reporters there should never be another Kausalya and Sankar in the future—that is what she was now struggling for.

Kausalya and Sankar's romance had begun in the course of a daily bus ride. Sankar sat behind Kausalya every day: it was an ordinary romance but it was doomed even though Kausalya poignantly acknowledged that 'no one ever loved her as Sankar did'. But her family felt humiliated as they were taunted about the elopement. The grandmother bemoaned the fact that the family had let her go to college in the first place. Her mother said that theirs was a community that killed the girl child at birth; she was suggesting that if they too had done so they would not have experienced such ignominy. 'Can one person abolish caste?' said the mother to the reporter. The family had been berated by other caste-fellows for not 'avenging' the wrong that their daughter had inflicted upon them. They ended their humiliation by trying to kill the couple.³¹

Far away in north India two young people, a brahmin girl and a kayastha boy were students at a Media Institute and planned to marry once the course was over. The girl was called home on a fake pretext, using emotional blackmail of the mother's illness to get her out of Delhi. What exactly happened 'at home' is not clear but the girl was found dead at her parental home. While the media speculated about whether it was suicide or a murder, a letter written by the father to his daughter was made public and it gives us the key to how he and his family viewed the relationship between the two young people: 'You are talking about the Constitution that was made in 1950; what about the Constitution that Manu wrote which is 2000 years old?' As one Jat elder told us in Haryana, '*Na to yeh samvidhan hota and na yeh ladkian school jaati*' (neither should this Constitution have come and nor should these girls have gone to school) clearly indicating what dominant castes thought about the Constitution and the new educational possibilities for women. Schooling gave the girls a reason to go into the public sphere, the Constitution gave them rights. It

was exercising both rights that led to such gruesome tragedies in the case of the young couples who married across caste. How casteist our judges can be is evident from another case where a brahmin girl from north India married an ezhava boy from Kerala in cosmopolitan Mumbai: the brother, in whose house the couple had been living for many months, killed the boy and his sister. When the appellate judge spoke to reduce the penalty the lower court had given he used the argument that one must understand the pain of the brother who was being taunted by his caste fellows for the sister's violation of the moral codes which were widely revered by upper caste Hindus. The upper caste judge showed sympathy for the pain of the moral policers of a caste-based patriarchal system. Even more disturbing is the judgement of the Supreme Court where a strong indictment is made against khap panchayats and parental recourse to codes of honour. While this judgement is welcome it is intriguing that in the entire judgement caste-based violence is sometimes attributed to class differences, or to the more innocuous family and community codes so that the violence relating to a *hypogamous* relationship is sanitized or even masked.³²

The number of cases of fathers, brothers, uncles and other kin giving the 'death penalty' to their daughters for choosing to marry across caste should not be regarded as a mere matter of 'honour' as we have been doing for far too long. That a hypogamous marriage in a deeply casteist Hindu society is not a mere matter of the private domain, but is deeply political in its import, is clear from the Meenakshipuram conversions of the dalits to Islam in 1981. After months of being hounded the dalits decided that the only way to stop their harassment was to convert to Islam because Muslims were perceived to be a group that could defend themselves against the dominant caste in the village.³³ This 'act' of conversion led to investigations by state agencies and ultimately gave a fillip to the VHP to expand its base, both within the country and outside it—wherever there were communities of upper caste Hindus ready to defend their culture. This culture includes the endogamous marriage, which is often the lynchpin of the idea of 'culture' to be reproduced in all its 'antique' purity. Ironically, even the Muslims and Christians in India adhere

to endogamous marriage norms and police their daughters' sexuality and ensure the reproduction of caste.

CHALLENGING CASTE: THE UPSURGE IN THE UNIVERSITIES

In the year 2014 a group of students at the IIT in Chennai planned a meeting of a new group they had formed: The Ambedkar Periyar Study Circle. The tightly controlled teaching community dominated by brahmins and the upper castes brought up a number of technical objections to the holding of the event. They were drawing from the new political formations that were now in power. The students sought to stand firm and finally the official ban on the group was lifted by the Institute. Soon after this the University of Hyderabad exploded with a dalit upsurge supported by democratic sections of society. Dalit students who were on a dharna to oppose the suspensions were opposed by the student wing of the party in power at the centre who were seeking to gain a foothold on the campus and they drew power from their ministers at the centre. One young dalit student, Rohit Vemula, was so deeply affected by the discrimination he and other dalit students had faced in a central university that he found little reason to continue with his life. The scholarship he and other dalit students were supposed to receive were long delayed in reaching the students, or blocked by the administration, treating what was theirs by right as a handout that they controlled. As they protested these conditions the agitating students were suspended by the administration. Rohith Vemula's death came to be quickly termed an institutional murder as the dalit students faced systemic and systematic discrimination in institutions of higher education. As the Rohith Vemula movement spread across India attempts were made by the university administration and the government in power to deny that Rohith was a dalit, so that the POA Act would not be applicable upon the VC's actions in suspending Rohith and other dalit students. The case has been through amazing twists and turns as Rohith's mother's caste and the caste of her ex-husband were scrutinized by the government in power to deny dalitness to Rohith even though he lived and died as a dalit. His last letter was clearly written in a mood of despair

as Rohith wrote: 'my birth was a fatal accident'. Caste blood and marriage were at the heart of the official response: dalitness was a convenient 'label' to be examined as and when discrimination was challenged. Whatever the administration may have tried to achieve the dalit and democratic upsurge is very visible in the public sphere in the years since Rohith's death.

Some distance away in Una, Gujarat, another incident brought discrimination and violence onto the public sphere in dramatic ways. A group of right-wing men stopped a vehicle that was carrying cows, pulled down the 5 men from the vehicle and publicly flogged the men having stripped their shirts away. They also filmed the flogging of the men and circulated it on the internet. Una has become a metaphor for the caste hatred displayed by arrogant young Hindus against dalits who, in this case, were simply performing their caste-based duties coming down to them from the past. The anger and outrage amongst dalits and democratic Indians has led to the emergence a young and articulate leader: Jignesh Mevani who has created a new slogan, 'You can keep your cows' tails; give us five acres of land so that we may have a livelihood to pursue'. Similarly a section of dalits forced into manual scavenging is demanding an operative ban on manual scavenging and a means of working with dignity for a livelihood. The emergence of committed young women and men is leading to a transformation of politics as radical ideas are upstaging the tired leaders of the past who have failed to transform the political landscape for the dalits.

But the backlash from those who are committed to uphold the dominant order and who have social power based on caste and class is also visible: they control the organs of the state. They are mobilizing as dominant caste groups seeking OBC reservation in many regions as well as challenging the POA Act on grounds of alleged misuse. We have just witnessed pitched battles between dalits and dominant groups in many parts of India following the Supreme Court's recent ruling regarding the alleged 'misuse' of the POA Act. The tragedy of India, even in the new millenium, is that the caste system does not look like it is dissolving: the relationship between caste, class and gender remains intact: the endogamous marriage remains the norm and is being reproduced with minor cosmetic changes at the top that we might see occasionally in inter-caste marriages, almost always between

the upper-most castes. Ambedkar's agenda of the annihilation of caste is nowhere in sight even a century after he wrote his powerful essay on caste as his doctoral thesis, which became the basis of the 1937 book the *Annihilation of Caste*. He had outlined endogamy as the pivot of the caste system more than a hundred years ago; it has been the key to the unbroken reproduction of caste across the many centuries since it was devised to perpetuate the unique form of inequality that we have in India.

NOTES

1. Anupama Rao, 'Understanding Sirasgaon: Notes Towards Conceptualising the Role of Law, Caste and Gender in the Case of an "Atrocity"', in Anupama Rao, ed., *Gender and Caste*, Delhi, Kali For Women, 2003: 276–310.
2. Anand Teltumbde, *Khairlanji: A Strange and Bitter Crop*, Delhi, Navayana, 2008.
3. An errant woman is to be shaved and then paraded on a donkey, *The Laws of Manu*, trans. by Wendy O'Flaherty and Brian Smith, Delhi: Penguin Books, 1991:191.
4. In 1981, Maya Tyagi, 5 months pregnant, was stripped and raped by policeman in Baghpat, near Meerut. Her unarmed husband and friends were shot dead by the police. The case created an uproar: From *India Today*, 15 Feb. 1988 on the judgement at Bulandshahr District Court: 'Seven-and-a-half years ago, these men had appalled the nation. They were accused of shooting, in cold blood and with their service weapons, Ishwar Singh Tyagi, Surendra Singh and Rajendra Gaur in broad daylight near Baghpat police station, Meerut, where they were stationed. After the shoot-out, Tyagi's five-month pregnant wife, Maya, was paraded naked in Baghpat's bazaar and assaulted in the police station. . . . After going through the evidence, the judge concluded: "It reminds me of the primitive days of police raj where the people were at the mercy of the despot."' <https://www.indiatoday.in/magazine/indiascope/story/19880215-ishwar-singh-tyagi-case-six-uttar-pradesh-policemen-sentenced-to-death-796907-1988-02-15> accessed 20 April 2018.
5. NCDHR-National Dalit Movement for Justice (NDMJ), *A Brief Note on Status of Atrocities Against Dalits in Haryana*, 2013.
6. *Mirchpur Carnage: Caste Violence in Haryana*, compiled and edited by Sarita Bhoi, Delhi, HRLN, 2011: xiii.

7. Anand Chakravarti, *Social Power and Everyday Class Relations: Agrarian Transformation in North Bihar*, Delhi, SAGE, 2001.
8. Pratiksha Baxi, *Public Secrets of Law: Rape Trials in India*, Delhi, Oxford University Press, 2014: 283.
9. Ibid.: 285.
10. Keezhavenmani massacre, 25 Dec. 1968, took place in Nagapattinam district, Tamil Nadu, 44 women and children of the families of striking dalit labourers were murdered by a gang led by landlords; Belchi village, Bihar, 1977, 14 dalit labourers killed by Bhumihars; Karamchedu, Andhra Pradesh, 1985, in a conflict between landlords and dalits, 6 dalits were killed and many injured.
11. Baxi, *Public Secrets*: 287.
12. There are different castes who are in a position of dominance across India. They are mainly from castes that now go under the category of OBC although in some places they can include other, upper castes such as bhumihars. Most of the OBC castes have emerged as a force to reckon with as they became land controllers and owners following land reforms as they were often tenants earlier.
13. Information collected from Keezhvenmani in 2011.
14. V. Geetha and Kalpana Karunakaran, eds., *Haunted by Fire: Essays on Caste, Exploitation and Emancipation*, Delhi: Leftword, 2013:198.
15. Ibid.: 160.
16. Baxi, *Public Secrets*: 304.
17. Ibid.
18. Summarized from V. Geetha, *Undoing Impunity: Speech after Sexual Violence*, Delhi: Zubaan, 2016.
19. Teltumbde, *Khairlanji*: 27.
20. Sabrina Buckwalter, 'Just Another Rape Story', *Times of India*, 29 Oct. 2006, cited in Teltumbde, *Khairlanji*: 116, 138.
21. See the report in *The Hindu*: <http://www.thehindu.com/news/national/manorama-death-brutal-torture-probe-panel/article6596278.ece> accessed 27 April 2018.
22. Personal communication, Vidrohi, Mumbai, 2010.
23. Baxi, *Public Secrets*: 307–08.
24. Ibid.
25. Nicolas Jaoul, 'The Righteous Anger of the Powerless: Investigating Dalit Outrage over Caste Violence', *South Asia*

Multidisciplinary Academic Journal, <https://samaj.Revues.org/1892?lang> accessed 27 April 2018.

26. Supreme Court ruling, given on 20 March 2018, on misuse of POA Act, leading to great outrage among the dalits. It has virtually placed the procedures in the Act where the officials of the state when accused of an Atrocity must be given prior sanction to proceed with the case from the appointing authority or a superintendent of police, like the AFSPA where the home ministry must give sanction to proceed against an army officer which of course is never given. Its consequences for women and sexual violence in particular are serious indeed. Thousands demonstrated, and nine people were killed in the demonstrations in police firings. The Act has become both the site of intense contestation and a site of a politics of resistance (Baxi, *Public Secrets*: 13).
27. It is significant that the Verma Committee appointed in 2012 after the Nirbhaya incident gave women what might be regarded as a Bill of Rights but did not acknowledge the caste factor of many rapes and therefore it is not a feature of the 2013 Criminal Law Amendment of the law on sexual violence.
28. Jayasree Mangubhai, 'Violence and Impunity in a Patriarchal Caste Culture', in Uma Chakravarti, ed., *The Faultlines of History: The India Papers II*, Delhi: Zubaan, 2016: 257-90.
29. This paragraph is based on my participation in a fact-finding team that documented some of the cases of sexual violence, mainly of young dalit girls in 2013-2014. The investigations led to a report titled 'Sexual Violence against Dalit Girls and Women in Haryana: A Report by Women against Sexual Violence and State Repression', 2014. <https://wssnet.org> accessed 27 April 2018.
30. Aloysius Irudayam, Jayashree Mangubhai and Joel G. Lee, 2011, *Dalit Women Speak Out: Caste, Class and Gender Violence in India*, Delhi: Zubaan, 2011.
31. 'India's Forbidden Love: An Honour Killing on Trial', <https://www.youtube.com/watch?v=4aLys8M90UK> accessed 27 April 2018.
32. <http://www.livelaw.in/attempts-khap-panchayats-scuttle-prevent-marriages-illegal-sc/> accessed 27 April 2018.
33. Arthur Bonner, *Averting the Apocalypse: Social Movements in India Today*, Durham: Duke University Press, 1990: 343-51.

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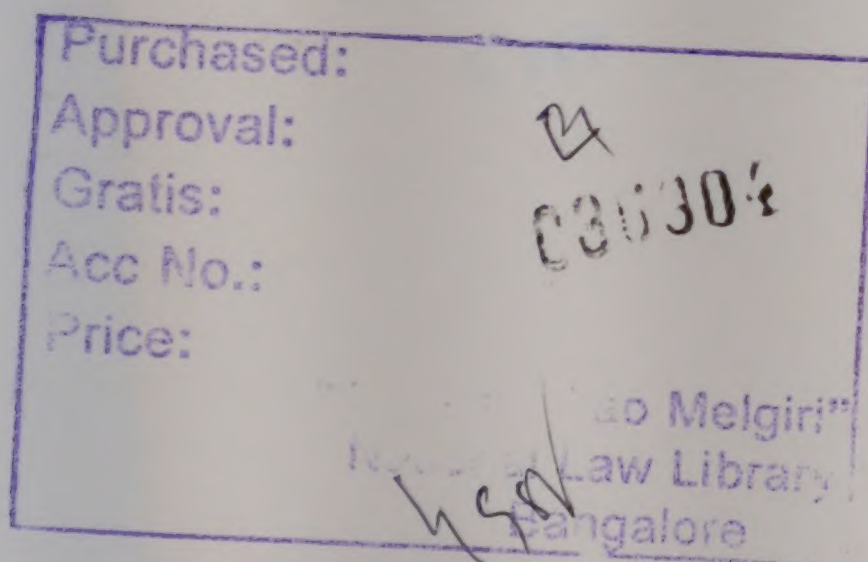
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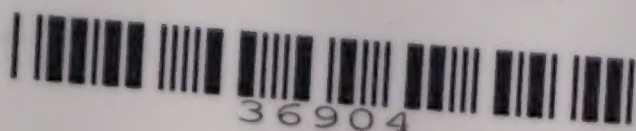
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About the Author and Series Editor

Uma Chakravarti is a feminist historian who taught at Miranda House, University of Delhi, from where she took early retirement in 1998. She has been associated with the women's movement and the movement for democratic rights since the late seventies. She writes on Buddhism, early Indian history, the nineteenth century and on contemporary subjects. Among her films is *Ek Inquilab Aur Aaya: Lucknow 1929-49*.

Maithreyi Krishnaraj, a pioneering scholar in Women's Studies, is senior honorary fellow, Research Centre for Women's Studies, SNDT Women's University, Mumbai, and steering committee member of the Dr Avabai Wadia Archives.

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The continuous demand for *Gendering Caste: Through a Feminist Lens* (2003) led to this revised edition which analyses the recent socio-economic and political changes that have taken place. Caste-based marriage and control over women's sexuality have been crucial for the continuation of the caste system in India. Thus, caste and gender are linked. Brutal reprisals have followed when dalits and women have tried to challenge caste-based marriage and inequality which allots strict rules of conduct for women and all dalits.

Maithreyi Krishnaraj, the Series Editor, highlights the author's discussion on the new ways in which caste violence targets women and on the changes within the family—immediate and extended—that still keep women subservient to caste norms. She points to the new discussion on an economy in transition to capitalism, and persistent conflicts over religion, language, ethnicity and other differences that relate to gender.

The book also includes a new 'Afterword: Caste and Gender in the New Millennium', which provides an updated discussion on the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 (known in short as Prevention of Atrocities Act: POA). Erudite, yet accessible, this book enables the reader to understand the ramifications of caste today.



Uma Chakravarti is a feminist historian who taught at Miranda House, University of Delhi, from where she took early retirement in 1998.

SERIES EDITOR: Maithreyi Krishnaraj, Senior Honorary Fellow, Research Centre for Women's Studies, SNDT Women's University, Mumbai.

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